

Thursday
June 5, 1986

Federal Register

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- FOR:** Any person who uses the Federal Register and Code of Federal Regulations.
- WHO:** The Office of the Federal Register.
- WHAT:** Free public briefings (approximately 2 1/2 hours) to present:
1. The regulatory process, with a focus on the Federal Register system and the public's role in the development of regulations.
 2. The relationship between the Federal Register and Code of Federal Regulations.
 3. The important elements of typical Federal Register documents.
 4. An introduction to the finding aids of the FR/CFR system.
- WHY:** To provide the public with access to information necessary to research Federal agency regulations which directly affect them. There will be no discussion of specific agency regulations.

SEATTLE, WA

WHEN: July 22; at 1:30 pm.

WHERE: North Auditorium,
Fourth Floor, Federal Building,
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RESERVATIONS: Call the Portland Federal Information Center on the following local numbers:

Seattle	206-442-0570
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WHEN: July 24; at 1:30 pm.

WHERE: Room 2007, Federal Building,
450 Golden Gate Avenue,
San Francisco, CA.

RESERVATIONS: Call the San Francisco Federal Information Center, 415-556-6600

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Rules and Regulations

Federal Register

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This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each week.

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 52

Processed Fruits and Vegetables, Processed Products Thereof, and Certain Other Processed Food Products¹ Regulations Governing Inspection and Certification

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: The purpose of this final rule is to revise the Regulations Governing Inspection and Certification of Processed Fruits and Vegetables and Certain Other Products. This rule will (1) revise the sampling plans for lot inspection by restricting the lot size; (2) revise and readjust the schedule of fees and charges for inspection of processed fruits, vegetables, and certain other products; (3) provide for control of labels bearing approved grade or inspection marks when a contract is cancelled; (4) revise the approved identification section which allows for the use of the official sample marks; and (5) amend the definitions section and make editorial and other changes for clarification. This revision will adjust the fees to cover costs, provide for greater utilization of inspection services, and facilitate identification of products that will be officially sampled. Effective Date: June 5, 1986, 12:01 a.m.

FOR FURTHER INFORMATION CONTACT: Raymondo O'Neal, Processed Products Branch, Fruit and Vegetable Division, Agricultural Marketing Service, U.S.

¹ May include the following: Honey; molasses, except for stockfeed; nuts and nut products, except oil; sugar (cane, beet, and maple); sirups (blended), sirups, except from grain; tea, cocoa, coffee, spices, condiments.

Department of Agriculture, Washington, DC 20250, Telephone (202) 447-5021.

SUPPLEMENTARY INFORMATION: This final rule has been reviewed under USDA procedures and Executive Order 12291 and has been designated as a "nonmajor" rule. It will not result in an annual effect on the economy of \$100 million or more. There will be no major increase in cost or prices to consumers; individual industries; Federal, State, or local government agencies; or geographic regions. It will not result in significant effects on competition, employment, investments, productivity, innovations, or the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

The Administrator, Agricultural Marketing Service, has certified that this action will not have a significant economic impact on a substantial number of small entities, as defined in the Regulatory Flexibility Act, Pub. L. 96-354 (5 U.S.C. 601), because it reflects current marketing practices.

The Agricultural Marketing Act of 1946 authorizes the official inspection, grading, and certification of processed food products including processed fruits, vegetables, and processed products thereof. The Agricultural Marketing Service (AMS) makes available an impartial, official inspection service for processed fruits and vegetables. Applicants may make use of this service to obtain inspection of agricultural products. The service is voluntary and self-supporting and is offered on a fee-for-service basis.

The regulations set forth sampling plans as the basis for assigning quality levels to lots of processed fruits and vegetables and related products. The sampling plans are designed to allow for acceptance or rejection of the lot being sampled based on the sample results. The sampling plans for determining lot compliance now allow for a lot size with a representative maximum sample size of 80 sample units.

The final rule will limit the lot size to correspond to a sample size with a maximum of 29 sample units except where the Administrator has determined that the lot size may be increased. The following could cause an increase in sample size: (a) Numerous codes may make it necessary to exceed 29 sample units, or (b) appeal inspections or reinspections may be conducted where

a sampling rate in excess of 29 sample units is required.

Inspection documents from preceding years indicate the sample size taken on a majority of lots was 29 sample units or less. By eliminating large lot sizes, submitted lots with non-uniform quality are reduced thereby increasing the reliability of the inspection results.

The schedule for fees and charges for services rendered to the processed fruit and vegetable industry will be amended to reflect the costs associated with the program. Such services are authorized under the Agricultural Marketing Act (AMA) of 1946, sec. 203(h), which requires that fees be reasonable, and as nearly as possible, cover the cost of rendering the services.

Each fiscal year, the fees for services are reviewed and a cost analysis is performed to determine if such fees are adequate to recover the cost of providing the services. These analyses also help assure that Department costs are kept to a minimum and any fee increases are those necessary to carry out an effective program. Since the last fee increase on May 11, 1982, there have been two government-wide salary increases. These increased costs have been associated with providing the services.

No appropriated funds are provided to the Agency to offset costs of rendering the services. Therefore, the Agency must recover all expenses in full through user fees charged to the applicants who request the services. Accordingly, it is found that good cause exists for making this final rule effective June 1, 1986, 12:01 a.m. because the present fees are not adequate to recover the costs of providing the service.

The revision will provide a uniform charge for inspection to applicants, regardless of the expenses (transportation and subsistence costs) incurred by the inspection activity. These travel expenses are incorporated into the hourly rate. The time required to travel to the applicant's location will continue to be charged at the set hourly rate. This revision will provide an hourly rate for analyses and other applicable services where no travel expenses are incurred. It will also increase the hourly rate and overtime payments to more closely reflect costs.

Editorial changes and clarifications have been made in the definitions and other sections to more closely reflect

current practices and procedures. One such change states that after an appeal inspection, a lot cannot be further appealed without authorization from the Administrator. Another change allows certificates of loading to be issued in lieu of official certificates. The revision also permits oral requests for inspection service without requiring confirmation in writing. New definitions include the deletion of "subordinate inspector" and the addition of "in-plant sampler". The addition of the subdefinition "approved plant lot inspection" is included as a further characterization of inspection services.

The regulations set forth official grade and inspection marks of the United States Department of Agriculture (USDA) for use by fruit and vegetable processors. These processors contract for the fee-for-service grading programs of the Department and, as permitted, may use various types of approved identification marks for processed fruits and vegetables and other related products.

Presently, the regulations do not specifically provide for control of approved grade or inspection marks when a contract between the inspection service and an applicant is cancelled. Therefore, this rule will provide for Agency control of cancellation and disposition of such approved grade or inspection marks. This provision will aid in eliminating possible misuse of such labels and marks.

Processed products which have been sampled for inspection, at the option of the Department, are identified by an authorized representative of the Department. The products are identified by stamping the shipping containers covering such lot(s) with official "sample marks." Revision of the "sample marks" will increase utilization of the official marks by affixing a non-permanent field office designation. These "sample marks" will identify products officially sampled by a particular field office using a field office number in place of geographic location.

A notice of proposed rulemaking was published in the Federal Register (51 FR 11043-11053) on April, 1, 1986, with a thirty day comment period. This comment period closed on May 1, 1986. Interested persons were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the Agricultural Marketing Service. No comments were received regarding this proposed rule.

List of Subjects in 7 CFR Part 52

Processed fruits and vegetables, Food grades, Standards.

PART 7—[AMENDED]

Accordingly, the Regulations Governing Inspection and Certification of Processed Fruits and Vegetables, Processed Products Thereof, and Certain Other Processed Food Products (7 CFR 52.2, 52.7, 52.9, 52.24, 52.28, 52.37, 52.38, 52.39, 52.41, 52.42, 52.47, 52.48, 52.49, 52.50, 52.51, 52.52, 52.53) are amended to read as follows:

1. The authority citation for Part 52 continues to read as follows:

Authority: Agricultural Marketing Act of 1946, Secs. 203, 205, 60 Stat. 1087, 1090 as amended (7 U.S.C. 1622, 1624).

2. Section 52.2 is amended as follows:

- a. The definitions "Certificate of loading" and "Inspection Service; types of" are revised.
- b. The definitions "In-plant sampler" and "Unofficial sample" are added.
- c. The definition "Lot" is amended by revising the text preceding (a) and revising (b).
- d. The definition "Unofficially drawn sample" is removed.

§ 52.2 Terms defined.

* * * * *

Certificate of loading. Certificate of loading means a statement, either written or printed, issued pursuant to the regulations in this part, relative to checkloading of a processed product subsequent to inspection thereof. The certificate of loading may be issued in lieu of an official inspection certificate when the same inspection procedures are applied and when authorized by the Administrator.

* * * * *

In-plant sampler. In-plant sampler means any employee of the Department authorized by the Administrator to draw samples of processed products and perform a limited number of miscellaneous duties in a plant operating under contract.

* * * * *

Inspection Service; types of. (a) Lot inspection means the inspection and grading of specific lots of processed fruits and vegetables which are located in plant warehouses, commercial storage, railway cars, trucks, or any other conveyance or storage facility.

(b) Approved plant-lot inspection means the inspection and grading of specific lots of processed fruits and vegetables which are located in plant warehouses, commercial storage, railway cars, trucks, or any other conveyance or storage facility. However, under "approved plant-lot inspection", the inspection service has knowledge that the products were processed or packaged in plants meeting

the "plant approved" definition. This means that the plant facilities, sanitation, and methods of operation have been surveyed and approved for specific product(s) by the Administrator as suitable and adequate for inspection or grading service in accordance with § 52.81 through § 52.83 of this part.

(c) Continuous inspection is the conduct of inspection and grading services in an approved plant whereby one or more inspector(s) are present at all times the plant is in operation to make in-process checks on the preparation, processing, packing, and warehousing of all products under contract and to assure compliance with sanitary requirements.

(d) Pack certification is the conduct of inspection and grading services in an approved plant whereby one or more inspector(s) may make inspection of the preparation and processing of products under contract, but are not required to be present at all times the plant is in operation.

(1) Under a Designated Lot-contract, inspector(s) will grade and certify only those lots designated by the applicant.

(2) Under a Quality Assurance contract, inspector(s) will use information available from the applicant's quality control records to certify lots, as requested, and will grade lots at random as often as necessary to verify the reliability of the applicant's quality control system.

* * * * *

Lot. Lot means any number of containers of the same size and type which contain a processed product of the same type and style located in the same warehouse or conveyance, and which is available for inspection service at any time: Provided, that the number of containers comprising lot may not exceed the maximum number specified in the sampling plans in § 52.38 of this Subpart: And further provided that;

* * * * *

(b) Under in-plant (in-process) inspection, the inspector is authorized to limit the number of containers of a processed product that may be included in a lot to a period of consecutive production equivalent to one production shift with a maximum of 24 hours of consecutive production.

* * * * *

Unofficial sample. Unofficial sample means any sample that has been selected by any person other than an inspector or licensed sampler, or by any other person not authorized by the Administrator pursuant to the regulations in this part.

3. Section 52.7 is revised to read as follows:

§ 52.7 Information required in connection with application.

(a) Application for inspection service shall be made in the English language and may be made orally (in person or by telephone), in writing, or by telegraph. If an application for inspection service is made orally, written confirmation may be required by the inspection service involved.

(b) In connection with each application for inspection service, there shall be furnished such information as may be necessary to perform an inspection on the processed product(s), including but not limited to, the name of the product, name and address of the packer or plant where such product was packed, the location of the product, its lot or car number, codes or other identification marks, the number of containers, the type and size of the containers, the interest of the applicant in the product, whether the lot has been inspected previous to the application by any Federal agency and the purpose for which inspection is desired.

4. Section 52.9 is revised to read as follows:

§ 52.9 Record of filing time.

A record showing the date when each application for inspection or for an appeal inspection is received shall be maintained.

5. Section 52.24 is amended by revising paragraph (a)(1) to read as follows:

§ 52.24 Where to file for an appeal inspection and information required.

(a) * * *

(1) The supervisor in the office that issued the inspection certificate on which the appeal covering the processed product is requested: or

* * * * *

6. Section 52.28 is revised to read as follows:

§ 52.28 Appeal inspection certificate.

After an appeal inspection has been completed, the lot(s) cannot be further

appealed unless authorized by the Administrator. An appeal inspection certificate shall be issued, showing the results of such appeal inspection; and such certificate shall supersede the inspection certificate previously issued for the processed product involved. Each appeal inspection certificate shall clearly identify the number and date of the inspection certificate which it supersedes. The superseded certificate shall become null and void upon the issuance of the appeal inspection certificate and shall no longer represent the quality or condition of the processed product described therein. The inspector or inspectors issuing an appeal inspection certificate shall forward notice of such issuance to such persons as he considers necessary to prevent misuse of the superseded certificate if the original and all copies of such superseded certificate have not previously been delivered to the inspector or inspectors issuing the appeal inspection certificate. The provisions in the regulations in this part concerning forms and certificates, issuance of certificates, and disposition of certificates shall apply to appeal inspection certificates, except that copies of such appeal inspection certificates shall be furnished to all interested parties who received copies of the superseded certificate.

7. Section 52.37 is revised to read as follows:

§ 52.37 How official samples are to be identified and shipped.

Unless otherwise directed by the Administrator, samples which are to be shipped to any office of inspection shall be forwarded to the office of inspection serving the area in which the processed products from which the samples were drawn is located. Such samples shall be shipped in a manner to avoid any material change in the quality or condition of the sample of the processed product. Containers shall be identified and properly sealed with tape. A facsimile of the "Officially Sampled" stamp shall be placed over the taped container. All transportation charges in

connection with such shipments of samples shall be at the expense of the applicant.

8. Section 52.38 is amended by revising paragraphs (a) and (f) and Tables I, II, III, IV, and V to read as follows:

§ 52.38 Sampling plans and procedures for determining lot compliance.

(a) Except as otherwise provided for in this section in connection with in-plant inspection and unless otherwise approved by the Administrator, samples shall be selected from each lot in the exact number of sample units indicated for the lot size in the applicable sampling plans. The lot size is to correspond to a sample size with a maximum of 29 sample units: Provided, that at the discretion of the inspection service, the number of sample units selected may be increased to the exact number of sample units indicated for any one of the larger sample sizes provided for in the appropriate plans. The samples size may be increased beyond 29 sample units in accordance with the following sampling plan:

Sample Size.....	38	48	60
Acceptance Number.....	5	6	7

* * * * *

(f) Sampling plans referred to in this section are those contained in Tables I, II, III, IV, and V and (g)(1) and (g)(2) of this section which follow or any other plans which are applicable. For processed products not included in these tables, the minimum sample size shall be the exact number of sample units prescribed in the table, container group, and lot size that, as determined by the inspector, most closely resembles the product, type, container, size and amount of product to be sampled. The maximum sample size in tables I, II, III, IV, V, (g)(1), (g)(2) and processed products not included in these tables is 29 sample units.

* * * * *

BILLING CODE 3410-02-M

SAMPLING PLANS AND ACCEPTANCE LEVELS

TABLE 1

CANNED OR SIMILARLY PROCESSED FRUITS, VEGETABLES, AND PRODUCTS
CONTAINING UNITS OF SUCH SIZE AND CHARACTER AS TO BE READILY SEPARABLE

CONTAINER SIZE GROUP	LOT SIZE (NUMBER OF CONTAINERS) ^{1/}				
Group 1 ANY TYPE CONTAINER OF A VOLUME NOT EXCEEDING THAT OF A NO. 303 SIZE CAN.	3,000 OR LESS	3,001 TO 12,000	12,001 TO 39,000	39,001 TO 84,000	84,001 TO 145,000
Group 2 ANY TYPE OF CONTAINER OF A VOLUME EXCEEDING THAT OF A NO. 303 SIZE CAN BUT NOT EXCEEDING THAT OF A NO. 3 CYLINDER SIZE CAN.	1,500 OR LESS	1,501 TO 6,000	6,001 TO 19,500	19,501 TO 42,000	42,001 TO 72,500
Group 3 ANY TYPE OF CONTAINER OF A VOLUME EXCEEDING THAT OF A NO. 3 CYLINDER SIZE CAN, BUT NOT EXCEEDING THAT OF A NO. 12 SIZE CAN.	750 OR LESS	751 TO 3,000	3,001 TO 9,750	9,751 TO 21,000	21,001 TO 36,250
Group 4 ANY TYPE OF CONTAINER OF A VOLUME EXCEEDING THAT OF A NO. 12 SIZE CAN.	CONVERT TO EQUIVALENT NUMBER OF 6 POUND NET WEIGHT CONTAINERS AND USE GROUP 3				
LOT INSPECTION SAMPLE SIZE (NO. OF SAMPLE UNITS) ^{2/}	3	6	13	21	29
ACCEPTANCE NUMBER	0	1	2	3	4
ON-LINE IN-PLANT INSPECTION SAMPLE SIZE (NO. OF SAMPLE UNITS) ^{2/}	3	6	6	13	21
ACCEPTANCE NUMBER	0	1	1	2	3

^{1/} Under on-line in-plant inspection, a 5% overrun in number of containers may be permitted by the inspector before going to the next larger sample size.

^{2/} When a standard sample unit size is not specified in the U.S. grade standards, the sample units for the various container size groups are as follows: Groups 1, 2, and 3 -- 1 container and its entire contents. Group 4 approximately 2 pounds of product. When determined by the inspector that a 2-pound sample unit is inadequate, a larger sample unit may be substituted.

TABLE II
FROZEN OR SIMILARLY PROCESSED FRUITS, VEGETABLES, AND PRODUCTS
CONTAINING UNITS OF SUCH SIZE AND CHARACTER AS TO BE READILY SEPARABLE

CONTAINER SIZE GROUP	LOT SIZE (NUMBER OF CONTAINERS) ^{1/}				
Group 1 ANY TYPE OF CONTAINER OF 1 POUND OR LESS NET WEIGHT	2,400 OR LESS	2,401 TO 9,600	9,601 TO 31,200	31,201 TO 67,200	67,201 TO 116,000
Group 2 ANY TYPE OF CONTAINER OVER 1 POUND BUT NOT OVER 2-1/2 POUNDS NET WEIGHT.	1,200 OR LESS	1,201 TO 4,800	4,801 TO 15,600	15,601 TO 33,600	33,601 TO 58,000
Group 3 ANY TYPE OF CONTAINER OVER 2-1/2 POUNDS.	CONVERT TO EQUIVALENT NUMBER OF 2-1/2 POUND CONTAINERS AND USE GROUP 2				
LOT INSPECTION SAMPLE SIZE (NO. OF SAMPLE UNITS) ^{2/}	3	6	13	21	29
ACCEPTANCE NUMBER	0	1	2	3	4
ON-LINE IN-PLANT INSPECTION SAMPLE SIZE (NO. OF SAMPLE UNITS) ^{2/}	3	6	6	13	21
ACCEPTANCE NUMBER	0	1	1	2	3

^{1/} Under on-line in-plant inspection, a 5% overrun in number of containers may be permitted by the inspector before going to the next larger sample size.

^{2/} When a standard sample unit size is not specified in the U.S. grade standards, the sample units for the various container size groups are as follows: Groups 1 and 2 - 1 container and its entire contents. Group 3 containers up to 10 pounds - approximately three pounds of product. When determined by the inspector that a 3-pound sample unit is inadequate, a larger sample unit or 1 or more containers and their entire contents may be substituted for 1 or more sample units of 3 pounds.

TABLE III
CANNED, FROZEN, OR OTHERWISE PROCESSED FRUITS, VEGETABLES,
RELATED PRODUCTS OF A COMMINUTED, FLUID OR HOMOGENEOUS STATE

CONTAINER SIZE GROUP	LOT SIZE (NUMBER OF CONTAINERS) <u>1/</u>				
Group 1 ANY TYPE OF CONTAINER OF 1 POUND OR LESS.	4,500 OR LESS	4,501 TO 18,000	18,001 TO 58,500	58,501 TO 126,000	126,001 TO 217,000
Group 2 ANY TYPE OF CONTAINER EXCEEDING 1 POUND BUT NOT EXCEEDING 60 OUNCES.	3,000 OR LESS	3,001 TO 12,000	12,001 TO 39,000	39,001 TO 84,000	84,001 TO 145,000
Group 3 ANY TYPE OF CONTAINER EXCEEDING 60 OUNCES BUT NOT EXCEEDING 10 POUNDS.	1,500 OR LESS	1,501 TO 6,000	6,001 TO 19,500	19,501 TO 42,000	42,001 TO 72,500
Group 4 ANY TYPE OF CONTAINER EXCEEDING 10 POUNDS.	CONVERT TO EQUIVALENT NUMBER OF 6 POUND CONTAINERS AND USE GROUP 3				
LOT INSPECTION SAMPLE SIZE (NO. OF SAMPLE UNITS) <u>2/</u>	3	6	13	21	29
ACCEPTANCE NUMBER	0	1	2	3	4
ON-LINE IN-PLANT INSPECTION SAMPLE SIZE (NO. OF SAMPLE UNITS) <u>2/</u>	3	6	6	13	21
ACCEPTANCE NUMBER	0	1	1	2	3

1/ Under on-line in-plant inspection, a 5% overrun in number of containers may be permitted by the inspector before going to the next larger sample size.

2/ When a standard sample unit size is not specified in the U.S. grade standards, the sample units for the various container size groups are as follows: Groups 1, 2, and 3 -- 1 container and its entire contents. A smaller sample unit may be substituted in group 3 at the inspector's discretion. Group 4 -- approximately 16 ounces of product. When determined by the inspector that a 16 ounce sample unit is inadequate, a larger sample unit may be substituted.

TABLE IV
DEHYDRATED (LOW-MOISTURE) FRUITS AND VEGETABLES

CONTAINER SIZE GROUP	LOT SIZE (NUMBER OF CONTAINERS) <u>1/</u>				
Group 1 ANY TYPE OF CONTAINER OF 1 POUND OR LESS.	1,800 OR LESS	1,801 TO 7,200	7,201 TO 23,400	23,401 TO 50,400	50,401 TO 87,000
Group 2 ANY TYPE OF CONTAINER OVER 1 POUND BUT NOT OVER 6 POUNDS NET WEIGHT.	600 OR LESS	601 TO 2,400	2,401 TO 7,800	7,801 TO 16,800	16,801 TO 29,000
Group 3 ANY TYPE OF CONTAINER OVER 6 POUNDS.	CONVERT TO EQUIVALENT NUMBER OF 5 POUND CONTAINERS AND USE GROUP 2				
LOT INSPECTION SAMPLE SIZE (NO. OF SAMPLE UNITS) <u>2/</u>	3	6	13	21	29
ACCEPTANCE NUMBER	0	1	2	3	4
ON-LINE IN-PLANT INSPECTION SAMPLE SIZE (NO. OF SAMPLE UNITS) <u>2/</u>	3	6	6	13	21
ACCEPTANCE NUMBER	0	1	1	2	3

1/ Under on-line in-plant inspection, a 5% overrun in number of containers may be permitted by the inspector before going to the next larger sample size.

2/ When a standard sample unit size is not specified in the U.S. grade standards, the sample units for the various container size groups are as follows: Group 1 -- 1 container and its entire contents. Groups 2 and 3 -- 1 container and its entire contents or a smaller sample unit when determined by the inspector to be adequate.

TABLE V
DATES

CONTAINER SIZE GROUP	LOT SIZE (NUMBER OF CONTAINERS) <u>1/</u>				
Group 1 ANY TYPE OF CONTAINER OF 1 POUND OR LESS NET WEIGHT.	2,400 OR LESS	2,401 TO 9,600	9,601 TO 31,200	31,201 TO 67,200	67,201 TO 116,000
Group 2 ANY TYPE OF CONTAINER OVER 1 POUND BUT NOT OVER 5 POUNDS NET WEIGHT.	800 OR LESS	801 TO 3,200	3,201 TO 10,400	10,401 TO 22,400	22,401 TO 38,667
Group 3 ANY TYPE OF CONTAINER OVER 5 POUNDS.	CONVERT TO EQUIVALENT NUMBER OF 5 POUND CONTAINERS AND USE GROUP 2				
LOT INSPECTION SAMPLE SIZE (NO. OF SAMPLE UNITS) <u>2/</u>	3	6	13	21	29
ACCEPTANCE NUMBER	0	1	2	3	4
ON-LINE IN-PLANT INSPECTION SAMPLE SIZE (NO. OF SAMPLE UNITS) <u>2/</u>	3	6	6	13	21
ACCEPTANCE NUMBER	0	1	1	2	3

1/ Under on-line in-plant inspection, a 5% overrun in number of containers may be permitted by the inspector before going to the next larger sample size.

2/ Samples consist of 25 ounce sample units, each of which may be a composite of product from a sufficient number of individual containers from 1 case to make up the weight. When previous inspection results from a particular source so indicate, 1 composite sample of 25 ounces of product may be formed from the 3 sample units in the smallest sample size, and 2 composite samples of 25 ounces each may be formed from the 6 sample units in the next to smallest sample size. Sample units in larger sample sizes may not be further composited.

9. Section 52.39 is revised to read as follows:

§ 52.39 Issuance of certificate of sampling.

Each inspector and each licensed sampler shall prepare and sign a certificate of sampling to cover the samples drawn by the respective person, except that in-plant inspectors who inspect the samples which they have drawn need not prepare a certificate of sampling. One copy of each certificate of sampling prepared shall be retained by the licensed sampler and the original and all other copies thereof shall be disposed of in accordance with the instructions of the Administrator.

10. Section 52.41 is revised to read as follows:

§ 52.41 Payment of fees and charges.

Fees and charges for any inspection service shall be paid by the interested party making the application for such service, in accordance with the applicable provisions of the regulations in this part, and if so required by the inspection service, an advance of funds prior to rendering inspection service in an amount suitable to the Administrator, or a surety bond suitable to the Administrator, shall be required as a guarantee of payment for the services rendered. All fees and charges for any inspection service performed pursuant to the regulations in this part shall be paid by check, draft, or money order payable to the United States Department of Agriculture. Remittance shall be sent to the address specified on the bill for collection on or before the due date to avoid a late payment charge.

11. Section 52.42 is revised to read as follows:

§ 52.42 Schedule of fees.

Unless otherwise provided in a written agreement between the applicant and the Administrator, the fee for any inspection service performed under the regulations in part, shall be at the rate of \$29.00 per hour plus an additional \$5.50 per hour for all scheduled overtime hours. When work is performed on a holiday, an additional hour shall be charged at the regular hourly rate for each hour worked.

12. Section 52.47 is revised to read as follows:

§ 52.47 Fees to be charged for micro, chemical, certain other special analyses and other applicable services.

Fees for micro, chemical, and certain other special analyses, made at the request of the applicant, or because of additional specification requirements, and other applicable services, shall be

at the rate of \$25.00 per hour. Other applicable services include, but are not restricted to, grading unofficial samples, providing copies of score sheets and additional copies of certificates.

13. Section 52.48 is amended by revising paragraph (b) to read as follows:

§ 52.48 Charges for plant survey and sanitation inspection.

(b) Fees charged for a plant survey and a sanitation inspection under § 52.42 of this part will be credited back to plants entering into an in-plant inspection contract with AMS within 60 days of the survey.

14. Section 52.49 is revised to read as follows:

§ 52.49 Charges for copies of score sheets.

If the applicant for inspection service requests one or more copies of a score sheet referable to the processed product covered thereby, they may obtain such copies from the supervisor in the office of inspection serving the area where the service was performed at a charge of ½ hour per copy in accordance with the rate in § 52.47: Provided, that no charge shall be made for one copy if requested in connection with the request for inspection.

15. Section 52.50 is revised to read as follows:

§ 52.50 Charges for additional copies of inspection certificates.

Charges for additional copies of inspection certificates issued in accordance with § 52.21 may be supplied to any financially interested party at a charge of ½ hour per certificate in accordance with the rate in § 52.47 for each seven (7), or fewer copies.

16. Section 52.51 is revised to read as follows:

§ 52.51 Travel and other expenses.

Charges may be made to cover the cost of travel time incurred in connection with the performance of any inspection service, including appeal inspections, at the rate of \$29.00 per hour. This includes time spent waiting for transportation as well as time spent traveling, but not to exceed eight hours of travel time for any one person for any one day: And provided further, that if travel is by common carrier, no hourly charge may be made for travel time outside the employee's official work hours.

17. Section 52.52 is amended by revising paragraphs (c) and (d) to read as follows:

§ 52.52 Charges for inspection service on a contract basis.

(c) Charges for year-round in-plant inspection services on a contract basis will be billed to the applicant monthly for all hours worked with a minimum of 40 hours per week for each inspector assigned to perform the inspection services in accordance with the following schedule:

(1) For personnel assigned on a year-round basis: Each inspector—\$22.00 per hour.

(2) For personnel assigned on less than a year-round basis: Each inspector—\$27.00 per hour; In-plant sampler—\$14.00 per hour.

(3) Holiday pay. An eight (8) hour charge will be made for each inspector assigned at their regular hourly rate. When work is performed, an additional hour at the regular hourly rate will be charged for each hour worked.

(4) Night differential. A 10 percent night differential charge will be made for all work performed between the hours of 6 p.m. and 6 a.m.

(5) Overtime. All overtime hours will be charged at the regular rates specified in paragraphs (c) (1) and (2) of this section plus \$5.50 per hour.

(d) Charges for less than year-round in-plant inspection services (four or more consecutive 40 hour weeks) on a contract basis will be billed to the applicant monthly for all hours with a minimum of 40 hours for each inspector assigned to perform the inspection services in accordance with the following schedule:²

(1) Each inspector—\$27.00 per hour²

(2) In-plant Sampler—\$14.00 per hour.

(3) Holiday pay. An eight (8) hour charge will be made for each inspector assigned at their regular hourly rate. When work is performed, an additional hour at the regular hourly rate will be charged for each hour worked.

(4) Night differential. A 10 percent night differential will be charged for all work performed between the hours of 6 p.m. and 6 a.m.

(5) Overtime. All overtime hours will be charged at the regular rates specified in (d)(1) of this section plus \$5.50 per hour.

18. Section 52.53 is amended by revising paragraphs (a)(2), (a)(3), (a)(4), (a)(5), (d), (e) and adding new

² Except a minimum of 8 hours per day in lieu of a minimum of 40 hours a week for intermittent type in-plant services and less than four weeks in-plant assignment will be billed in accordance with § 52.42.

paragraphs (a)(7) and (i) to read as follows:

§ 52.53 Approved Identification.

(a) * * *

(2) Have been produced or packed in an approved plant.

(3) Are truthfully and accurately labeled.

(4) When graded against a U.S. grade standard, meet the quality requirements for U.S. Grade C or better;

(5) Meet applicable fill weight and/or drained weight, Brix or other characteristics of a commodity related to market value;

(6) Have been certified, or have been inspected and are eligible for certification, by an inspector; and, in addition, meet the specific requirements stated in (b), (c), and (d) of this section.

(7) Labels and advertising material containing or referring to approved identification must be approved by USDA inspection service prior to use.

(d) "Approved plant-lot inspection" grade and inspection marks. Processed products that are produced in an approved plant as defined in § 52.2 and inspected and certified by an inspector on a lot basis may be labeled with an official mark as defined in § 52.3 when adequate control and use is approved. The use of official marks for this type of service is restricted to grade marks (with or without plain shield) and/or the statement "Inspected by the U.S. Department of Agriculture" (with or without plain shield). The official marks shall be similar in form and design as illustrated in figures 11 through 14. Failure to have all lots bearing official marks either inspected and certified or certified as produced in an approved plant shall cause the debarment of the user from receiving subsequent services, and such other actions as provided for in the Agricultural Marketing Act of 1946.

(e) Sampling marks. Processed products which have been sampled for inspection as provided in this part may, at the option of the Department, be identified by an authorized representative of the Department. The products are identified by stamping the container(s) comprising such lot(s), with an official "sampling mark", similar in form and design to the example in figure 15 of this section. The "sampling marks" will identify products officially sampled by a particular field office. Such mark will include a code identifying the field office performing the sampling.



FIGURE 15

(i) Disposition of labels bearing approved grade or inspection marks when a contract is cancelled. Upon cancellation of a contract, labels bearing approved grade or inspection marks shall remain under the control of the inspection service. The inspection service will approve disposition of said labels for destruction, sale or transfer to another approved plant, remove or obliterate the grade or inspection mark, or other action as may be agreed upon by all interested parties.

Done at Washington, DC, on May 29, 1986.
William T. Manley,
Deputy Administrator, Marketing Programs.
[FR Doc. 86-12651 Filed 6-4-86; 8:45 am]
BILLING CODE 3410-02-M

7 CFR Parts 1006, 1007, 1011, 1012, 1013, 1046, 1093, 1094, 1096, 1098 and 1099

[Docket Nos. A0-366-A27, et al.]

Milk in the Georgia and Certain Other Marketing Areas; Interim Final Decision on Proposed Amendments and Opportunity To File Written Exceptions to Interim Final Marketing Agreements and to Orders

7 CFR Parts	Marketing area	Docket Nos.
1006.....	Upper Florida	A0-356-A25
1007.....	Georgia	A0-368-A27
1011.....	Tennessee Valley	A0-251-A30
1012.....	Tampa Bay	A0-347-A28
1013.....	Southeastern Florida	A0-288-A35
1046.....	Louisville-Lexington-Evansville	A0-123-A58
1093.....	Alabama-West Florida	A0-386-A6
1094.....	New Orleans-Mississippi	A0-103-A48
1096.....	Greater Louisiana	A0-257-A35
1098.....	Nashville, Tennessee	A0-184-A50
1099.....	Paducah, Kentucky	A0-183-A42

AGENCY: Agricultural Marketing Service.

ACTION: Interim final rule.

SUMMARY: This interim final decision would modify the plant location adjustments to prices under 11 southeastern Federal milk marketing orders. The proposed amendments would change the location adjustment provisions in the 11 orders to conform with the Class I differentials mandated by the Food Security Act of 1985, effective on May 1, 1986. The decision denies proposals to limit in 8 orders the location adjustment applicable on bulk milk transferred from a plant to an other order plant. This decision is based on the record of a public hearing held in Atlanta, Georgia, on February 25-27, 1986. The hearing was requested by Dairyment, Inc. (DI).

DATE: Comments are due on or before June 20, 1986.

ADDRESS: Comments (nine copies) should be filed with the Hearing Clerk, Room 1079, South Building, United States Department of Agriculture, Washington, D.C. 20250.

FOR FURTHER INFORMATION CONTACT: Robert F. Groene, Marketing Specialist, Dairy Division, Agricultural Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250, (202) 447-2089.

SUPPLEMENTARY INFORMATION: This administrative action is governed by the provisions of sections 556 and 557 of Title 5 of the United States Code and, therefore, is excluded from the requirements of Executive Order 12291.

The Regulatory Flexibility Act (5 U.S.C. 601-612) requires the Agency to examine the impact of a proposed rule on small entities. Pursuant to 7 U.S.C. 605(b), the Administrator of the Agricultural Marketing Service has certified that this action will not a significant economic impact on a substantial number of small entities. The proposed amendments modify the transportation allowances provided under the 11 orders to make them conform more closely to the economic conditions that currently exist in the marketplace. The main economic condition involved is the Class I differentials that became effective May 1, 1986, as mandated by the Food Security Act of 1985, and the costs of transporting milk as reflected in such Class I differentials. Reflection of these changed marketing conditions through amendments to plant location adjustments to order prices will not result in a significant added price impact on regulated handlers.

Prior documents in this proceeding:

Notice of Hearing: Issued February 7, 1986; published February 13, 1986 (51 FR 5363).

Extension of Time for Filing Briefs: Issued March 11, 1986.

Preliminary Statement

Notice is hereby given of the filing with the Hearing Clerk of this interim final decision with respect to proposed amendments to the interim final marketing agreements and the orders regulating the handling of milk in the aforesaid specified marketing areas. This notice is issued pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), and the Administrative Procedure Act (5 U.S.C. 556-557).

Interested parties may file written exceptions to this interim final decision with the Hearing Clerk, Room 1079, South Building, U.S. Department of Agriculture, Washington, D.C. 20250, by the 15th day after publication of this decision in the Federal Register. Nine copies of the exception should be filed. All written submissions made pursuant to this notice will be available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

The hearing notice specifically invited interested persons to present evidence concerning the probable regulatory and information impact of the proposals on small businesses. Several participants at the hearing testified in general about the impact of the proposals in certain orders on small businesses. There was specific testimony about the potential adverse impact of adopting a proposed 34-cent increase in the Class I price for a plant at Somerset, Kentucky, over the Class I price at Louisville. It was indicated that such price increases would threaten the continued viability of Southern Belle Dairy, a small business enterprise. As noted later in this decision, the proposed increase was not adopted. Instead, an increase of 15 cents, or less than one-half of the proposed increase, was adopted.

The findings and conclusions set forth below are based on the record of a public hearing held at Atlanta, Georgia, on February 27-28, 1986, pursuant to a notice of hearing issued February 7, 1986, (51 FR 5363).

The material issues on the record relate to:

1. Plant location adjustments

applicable to handlers under 11 southeastern Federal milk orders;

2. Class I differentials applicable under 8 southeastern Federal milk orders on bulk milk transferred from a pool plant to an other order plant; and

3. The need for emergency action with respect to issues No. 1 and 2.

Findings and Conclusions

The following findings and conclusions on the material issues are based on evidence presented at the hearing and the record thereof:

Background Statement

A public hearing to consider amendments to the plant location adjustment provisions of 11 southeastern Federal milk orders was held at Atlanta, Georgia, February 25-27, 1986. The hearing was requested by DI to conform the location adjustment provisions of the 11 orders to the Class I differentials mandated by the Food Security Act of 1985. The mandated changes increased the Class I price differentials under 35 of the 44 milk orders, including the 11 orders being considered herein. The amount of increase differed among markets, with progressively greater amounts from northern markets to southern markets. In the 11 orders involved in this proceeding, the increases in the mandated Class I differential varied from a low 41 cents in the Louisville-Lexington-Evansville order to a high of \$1.03 in the Southeastern Florida order.

The basic purpose of plant location adjustment provisions under Federal milk orders is to provide a transportation allowance to handlers who assemble milk at plant locations outside the primary marketing area and move it to plants located in the primary marketing area for use in Class I so that a handler's cost of milk so moved is competitive with the cost of milk that is obtained locally. In general, the current location adjustment rates under Federal milk orders are the same as the rates that were used until May 1, 1986, to determine Class I differentials under Federal milk orders, i.e., 1.5 cents per hundredweight for each 10 miles.

The Class I differentials applicable under the 11 southeastern Federal milk orders were established by using a common basing point, Eau Claire, Wisconsin. For many years, the Class I differentials under the orders increased from market to market at a rate approximating 1.5 cents per hundredweight for each 10 miles of distance from Eau Claire.

On May 1, 1986, the Class I differentials were increased in 35 of the

44 Federal milk orders. The reasons for implementing the increased Class I differentials were set forth in an expedited decision involving all orders (51 FR 9669). Four paragraphs of that decision and the pertinent information from a table listing the Class I differentials of the orders before and after May 1, 1986, and the amount of the increase are quoted below:

"Each of the 44 Federal marketing orders should be amended to provide minimum Class I price differentials for a two-year period, and subsequently unless modified by amendment to the order involved.

"The Class I milk price (the highest priced use-classification) under each order is established each month by adding a specified dollar amount to the Minnesota-Wisconsin manufacturing grade milk price (M-W price) for the second preceding month. These specific amounts, which are provided in the orders but not defined, are commonly referred to throughout the industry as "Class I differentials" or "fluid differentials." It is these differentials that the Food Security Act of 1985 establishes at higher levels in 35 of the orders and fixes at a minimum level in each of the 44 orders.

"The Food Security Act of 1985, Title I, Dairy, Subtitle C—Milk Marketing Orders, amends section 8c(5)(A) of the Agricultural Adjustment Act (7 U.S.C. 608c(5)(A)), reenacted with amendments by the Agricultural Marketing Agreement Act (Act). This new law (Pub. L. 99-198) mandates that the present 44 Federal milk marketing orders be amended, and that these amendments be applicable to milk received on and after May 1, 1986. The Food Security Act of 1985 increases Class I differentials in 35 of the 44 orders and provides a specific minimum Class I differential for each of the 44 orders for a two-year period.

"Official notice was taken at the public hearing held January 28, 1986, of Federal Milk Order Market Statistics for April 1985 and the Code of Federal Regulations for each of the 44 orders for the purpose of showing the present Class I differentials. The present Class I differentials, shown below, were taken from Table I on page 9 of the Federal Milk Order Market Statistics for April 1985. The new mandated Class I differentials that appear below are taken from the Congressional Record (official notice taken) dated December 17, 1985, at page H 12255."

Federal marketing order	Class I differentials		In-crease
	Effective May 1, 1986	Before May 1, 1986	
Upper Florida	3.58	2.85	.73
Georgia	3.08	2.30	.78
Tennessee Valley	2.77	2.10	.67
Tampa Bay	3.88	2.95	.93
Southeastern Florida	4.18	3.15	1.03
Louisville-Lexington-Evansville	2.11	1.70	.41
Alabama-West Florida	3.08	2.30	.78
New Orleans-Mississippi	3.85	2.85	1.00
Greater Louisiana	3.28	2.47	.81
Nashville, Tennessee	2.52	1.85	.67
Paducah, Kentucky	2.39	1.70	.69

Class I differentials and plant location adjustments serve as price incentives to attract milk supplies to the locations where they are needed for fluid use. This is particularly critical in this southeastern region since many of the states in the region are deficit milk production states. The record indicates that Alabama, Georgia, Florida, North Carolina, and South Carolina are all deficit production areas, at least during the months of seasonally low milk production. These deficit milk production states rely regularly on milk produced in the nearby States of Virginia, Tennessee, and Kentucky to help meet the fluid milk sales demand. At times, there are not sufficient milk supplies in the region to satisfy fluid use demand and milk is imported from other distant production areas, particularly Wisconsin.

In this general milk supply situation, the changed Class I differentials will aid in assuring that adequate milk supplies will be made available for this southeast region and also cover much of the cost of needed movements of milk from where it is produced to where it is needed. Essentially, north to south movements of milk are required in this region to meet the milk needs of handlers regulated under the orders in the region. The changed differentials reflect this need. However, modification of plant location adjustments to the changed Class I differentials are needed to conform with the milk transportation allowances reflected in the new differentials.

Plant location adjustment rates for the Georgia order—Part 1007. The location adjustment provisions of the Georgia order should be amended so that the value of producer milk at various plants will be aligned on an intra-market and inter-market basis to reflect changes in the Class I differentials mandated by the Food Security Act of 1985, effective on May 1, 1986. Location adjustments for plants located in the Georgia marketing area should be determined on the basis of adjustments established for four separate zones. A minus 15-cent

adjustment should apply in the Northern Zone, an area consisting of 14 counties. No adjustment should apply in the North Central Zone, an area consisting of 41 counties. A plus 10-cent adjustment should apply in the South Central Zone, an area consisting of 41 counties. A plus 30-cent adjustment should apply in the Southern Zone, an area consisting of all the Georgia counties in the marketing area with the exception of those counties in the Northern, North Central and South Central Zones.

For plants located outside the marketing area, the plant location adjustment should be as follows:

1. Minus 11 cents in North Carolina.
2. The Class I price applicable at the nearer of the city halls in Augusta, Savannah, Lavonia, Waycross, Albany, Columbus, Atlanta and Rome, Georgia, should be the Class I price that applies at plants in that area south of the southern boundary of the States of Tennessee and North Carolina, excluding the Tennessee Valley marketing area.
3. Minus 31 cents for the Tennessee Valley marketing area.
4. Minus 20 cents plus an additional reduction of 2.5 cents for each 10 miles or fraction thereof in excess of 110 miles from the city hall in Atlanta, Georgia, in that area north of the southern boundary of the States of Tennessee and North Carolina, excluding the State of North Carolina and the Tennessee Valley marketing area.

Under the current order, there are only two location adjustment rates in the Georgia marketing area—a minus 15 cents in the Northern Zone consisting of 29 counties and no adjustment in the remainder of the marketing area. Outside the marketing area, there is a minus adjustment of 15 cents beyond 100 miles from Atlanta and north of an east-west line extending from the city hall in Atlanta and minus an additional 1.5 cents for each 10 miles or fraction thereof in excess of 110 miles from Atlanta. The current order also limits the location adjustment in Alabama and South Carolina to not more than 15 cents.

The four location adjustment zones for the marketing area and the adjustments outside the marketing area adopted herein were proposed by DI. However, DI proposed that the adjustment for the South Central Zone be a plus 15 cents instead of the plus 10 cents adopted herein.

Kinnett Dairies, Inc., at Columbus, Georgia, opposed the establishment of two additional location adjustment zones in Georgia. The witness for the dairy indicated that the Secretary in a

1969 decision had found that "Atlanta is the major point of distribution in the marketing area and that higher prices paid by handlers south of Atlanta would attract milk away from Atlanta handlers, where it is needed, into the less populous areas of South Georgia where it is not needed for fluid consumption." The witness presented extensive data indicating that the population of Georgia continues to be concentrated in the Atlanta area.

The dairy's plant at Columbus is in the South Central Zone and under the location adjustment pricing adopted herein would have a 10-cent higher Class I price than plants at Atlanta.

Pet Dairy with plants at Waycross and Washington, Georgia, and a plant at Spartanburg, South Carolina, opposed the establishment of two additional pricing zones in Georgia and the deletion of a minus 15-cent adjustment in South Carolina. Pet Dairy's plant at Waycross, Georgia, would have a 30-cent higher Class I price than handlers at Atlanta under the pricing adopted herein. Also, no location adjustment would apply at Pet Dairy's plant in Spartanburg, South Carolina. Currently, a minus 15-cent location adjustment applies at the Spartanburg plant. Pet's plant at Washington, Georgia, is in a no location adjustment zone and would continue to be in such zone under the pricing adopted herein. The witness for Pet Dairy indicated that an adequate supply of milk is available to supply the fluid milk requirements of the plants of Pet Dairy at Waycross, Georgia, and Spartanburg, South Carolina.

Borden, Inc. opposed the establishment of the South Central and Southern Zones for location adjustment pricing in Georgia. Borden's plants at Macon and Augusta are located in the South Central Zone. Under the pricing adopted herein for the South Central Zone, the Class I price at the two Borden plants would be 10 cents higher than the Class I price applicable at Atlanta, Georgia. Currently, the Class I price at Macon and Augusta is the same as the Atlanta Class I price. Borden testified that the location adjustment pricing proposed by DI for South Central and Southern Georgia would distort the present competitive relationships among handlers.

Location adjustment pricing of minus 15 cents should apply in the Northern Zone which includes 14 Georgia counties. Currently, the Northern Zone consists of 29 counties and a minus 15-cent location adjustment applies in such area. The pool plants of Dempsey Brothers, Rome, Georgia, and Meadowbrook Dairy at Calhoun,

Georgia, are currently in the Northern Zone and these plants are also in the newly defined Northern Zone.

A witness appearing on behalf of the two plants in the Northern Zone requested that the Class I price for plants be the same as the Class I price for plants in the Chattanooga area that are regulated under the Tennessee Valley order. The opponent of the minus 15-cent adjustment pointed out that the current Class I price applicable in the Northern Zone is 5 cents higher than the Tennessee Valley order price at Chattanooga. For this reason, the witness held that the Class I price at plants in the Northern Zone should not exceed the Class I price at Chattanooga by more than the 5 cents currently provided.

Continuation of a minus 15-cent location adjustment is appropriate for the Northern Zone. Such amount represents one-half the difference between the mandated Class I differentials at Atlanta and Chattanooga (\$3.08 - \$2.77 = \$0.31). As indicated by the witness for the two plants in the Northern Zone, Dempsey Dairies is about 67 miles from Chattanooga and 70 miles from Atlanta. On the basis of the plant's location and in consideration of the fact that the Northern Zone consists of a band of 14 counties midway between Atlanta and Chattanooga, a minus 15-cent adjustment from the Atlanta Class I differential for the Northern Zone will provide proper Class I price alignment for plants in such zone with respect to the legislated Class I differentials at Chattanooga and Atlanta.

No location adjustment should be provided for milk received at plants in the North Central Zone consisting of 41 counties. Such zone includes the following cities in which pool plants are located: Atlanta, Athens, Eatonton, Decatur and Washington. Milk received at pool plants located in these cities is currently not subject to location adjustment pricing. Under the location adjustment pricing adopted herein, no location adjustment pricing would apply at such plant locations.

Plant location adjustment pricing of plus 10 cents should apply in the South Central Zone. The South Central Zone consists of the 41 counties proposed by DI for such zone. However, proponent cooperative proposed a plus 15-cent location adjustment for such zone instead of the 10-cent adjustment adopted herein.

There are three pool plants located in the South Central Zone. These plants are the Borden plant at Macon the Borden plant at Augusta and the Kinnett Dairies plant at Columbus. The Macon

and Columbus plants are located to the south and southwest, respectively, from the heaviest milk production area within Georgia. The plant at Augusta is located to the east of an area of concentrated milk production. One of the counties located in this heavy production area is Putnam. In December 1985, dairy farmers from Putnam County pooled 6.2 million pounds of milk on the Georgia order, 1.4 million pounds on the Upper Florida order, 1.7 million pounds on the Tampa Bay order and 1.2 million pounds on the Southeastern Florida order. Morgan County which borders Putnam County on the north is another heavy milk production area. In December 1985, dairy farmers from Morgan County pooled 8.5 million pounds on the Georgia order.

DI operates a pool supply plant that is located in this area of heavy milk production. The pool supply plant is located at Eatonton which is in Putnam County and is approximately 40 miles north of Macon, Georgia.

As previously noted, milk moves from farms in the Eatonton area into the three Florida markets. In recognition that milk in the vicinity of the Eatonton plant represents a potential supply source for the Macon plant, i.e., milk moves from Putnam County bypassing Macon, Georgia, on its way to Florida markets, the Class I differential at the Macon plant should reflect the cost of transporting milk from the Eatonton area to Macon, a distance of approximately 40 miles. In that regard, a location adjustment rate 2.5 cents per 10 miles for the 40 miles distance yields a 10-cent adjustment. On the basis of distance to the supply area at Eatonton, a plus 10-cent adjustment is appropriate for the Macon plant.

The Kinnett Dairies plant at Columbus and the Borden plant at Augusta should also have the same location adjustment pricing as the plant at Macon. The Columbus and Augusta plants are more distant from the heavy production area than the plant at Macon. The Columbus plant is located southwest of Macon, Georgia, and, thus, is more distant from the Eatonton supply plant than the Macon plant. The Augusta plant is located east of Eatonton. The distance from Augusta to Eatonton exceeds the distance from Eatonton to Macon. However, Columbus, Macon, and Augusta are all about the same distance south of the North Central Zone which is the largest milk production zone in the marketing area.

A location adjustment of plus 30 cents should apply at plants located in the Southern zone. The counties making up the zone and the plus 30-cent adjustment adopted herein were proposed by DI.

There are three pool plants located in the Southern Zone. The three plants are the Pet plant at Waycross, Roberd's Dairy at Savannah, and the Dairymen, Inc., plant at Savannah.

The operator of the Waycross plant opposed the plus 30-cent location adjustment at the plant's location. The witness for the dairy indicated that the dairy has experienced no problem in securing a supply of milk at the current time and expects no future shortage of supply at the plant.

Several individuals who opposed plus location adjustments in Georgia testified that Atlanta represents the major milk consumption area in Georgia. These individuals indicated that much of the milk produced on farms in Georgia must be moved to Atlanta. They contended that the establishment of plus location adjustment zones would impede the flow of milk to the Atlanta area.

A review of the milk production by counties for the Georgia market for December 1985 reveals that more than one-half of the milk pooled as producer milk under the Georgia order originated on farms outside the State of Georgia. Furthermore, a large amount of Georgia-produced milk moves to Florida. Of the 96.5 million pounds of Georgia milk that was pooled under the Georgia order and the three Florida orders in December 1985, more than 25 percent (24.4 million pounds) of that milk supply was moved to plant located in Florida. The Georgia procurement area for the Florida markets extends into the heavy milk production area of the North Central Zone.

In recognition of the substantial volume of milk that moves from Georgia into the State of Florida, Class I differentials in the Southern Zone of Georgia should be set at levels that will assure a continuing adequate supply of milk at the Waycross and Savannah plants. A plus 30-cent location adjustment should be established for the Southern Zone to assure that a supply of milk is available to plants in such zone. Based on the Waycross plant's location relative to plants in Jacksonville, Florida, a distance of nearly 80 miles, the 30-cent adjustment reflects a price that is 20 cents less than the mandated price under the Upper Florida order at Jacksonville. The Class I price at Waycross needs to be at least at a level within 20 cents of the Jacksonville price to compete for milk supplies produced as far north as north central Georgia. In addition, the plant at Waycross has sales accounts in the Upper Florida market in competition with the handlers regulated under that order. Thus, the

plus 30-cent zone is needed to maintain equitable inter-order pricing.

A location adjustment of minus 11 cents should be provided for plants located in North Carolina. Such adjustment would provide a Class I differential of \$2.97 and will equate the pricing of Class I milk at plants in North Carolina with the Class I pricing for that area that is provided under the Tennessee Valley order. The justification for that level of pricing in North Carolina is discussed under location adjustments for the Tennessee Valley order.

In the States of South Carolina, Alabama, Florida and other areas south of the southern boundary of the States of Tennessee and North Carolina and outside of the Georgia marketing area, the Class I pricing level should be the same as that provided for a number of cities located within the Georgia marketing area. The cities are Augusta, Savannah, Lavonia, Waycross, Albany, Columbus, Atlanta, and Rome, Georgia. In most instances, a pool plant outside the marketing area will be competing for milk supplies and sales with pool plants located within the Georgia marketing area. It is reasonable that the out-of-area plant should have a Class I price equivalent to that which applies to the nearest pool plant within the marketing area.

The pricing of milk in Class I uses at two pool plants in South Carolina would be determined by the Class I prices that would apply at the nearest of eight named cities located in the Georgia marketing area. The two pool plants are located at Greenville and Spartanburg, South Carolina. The nearest of the eight cities in this case would be Lavonia which is in Franklin County. On that basis, the Class I differential for two South Carolina plants would be \$3.08 since Franklin County is within the North Central zone.

The minus location adjustments that currently apply at plants in South Carolina are no longer appropriate since South Carolina is a deficit milk production area and milk needs to be moved there from alternative supply areas. The use of minus location adjustments in the southern part of South Carolina would give pool plant operators in such area who are making sales into the Georgia market a competitive advantage over Georgia handlers located in plus location adjustment zones. Furthermore, plants in South Carolina are equally as far distant as Georgia plants from the alternative supply areas of Tennessee. In addition, Class I pricing in the South Carolina market during the period when the South Carolina Milk Commission

established Class I prices and at the present time under a negotiated pricing system has been at least at the level of Class I pricing under the Georgia order and in most instances has exceeded the Georgia Class I price.

The operator of a partially regulated distributing plant under the Georgia order that is located in Charleston, South Carolina, opposed the creation of two plus location adjustment zones in Georgia. The opponent of the plus location adjustment zones sells milk in the Savannah area in competition with handlers fully regulated under Federal orders. Under the pricing adopted herein for the Savannah area, the plant operator would have to pay more per hundredweight for Class I sales in the Georgia marketing area only if the prices paid to its dairy farmers were less than the classified use value of the milk under the Georgia order.

The location adjustment for plants located in the Tennessee Valley marketing area should be a minus 31 cents. Such adjustment would result in a Class I differential of \$2.77 at a Chattanooga pool plant that is regulated by the Georgia order. The 31-cent minus adjustment will provide the same location value for milk in Class I use at the Chattanooga plant as the Class I differential that is mandated by the Food Security Act of 1985 for the Tennessee Valley order. The \$2.83 Class I differential that would apply at the Chattanooga plant by using the location adjustment proposed by DI is not appropriate in this instance because it exceeds the mandated Class I differential by 6 cents.

The pricing of milk of Class I use in areas north of the southern boundaries of the States of North Carolina and Tennessee and outside the State of North Carolina and the Tennessee Valley marketing area should be determined on a mileage basis from Atlanta. The plant location adjustment should be a minus 20 cents plus an additional reduction of 2.5 cents for each 10 miles or fraction thereof in excess of 110 miles from Atlanta. The pricing of milk under this provision would apply to only one pool plant currently regulated under the Georgia order. Such pricing from Atlanta would result in a minus 47.5 cents at Murfreesboro, Tennessee, which is approximately 211 miles from Atlanta. On that basis, the Class I differential would be \$2.605 at Murfreesboro. Such Class I differential is appropriate for the Murfreesboro plant which is located somewhat less than 30 miles south of Nashville and in recognition that the mandated Class I

differential at Nashville is \$2.52 under the Nashville, Tennessee order.

Amendment of the Georgia order to provide plus location adjustment zones requires that several conforming changes be made in the order. The provisions dealing with the computation of the uniform price and plant location adjustments for producers and on nonpool milk have been amended to incorporate the required changes.

Plant location adjustment rates for Upper Florida, Tampa Bay and Southeastern Florida Federal milk orders—Parts 1006, 1012 and 1013. The location adjustment provisions of the Upper Florida, Tampa Bay and Southeastern Florida orders, respectively, should be amended so that the value of producer milk at various plants will be aligned on an intra-market and inter-market basis to reflect changes in the Class I differentials mandated by the Food Security Act of 1985, effective on May 1, 1986. Plants located in the State of Florida that are regulated under either the Upper Florida, Tampa Bay or Southeastern Florida orders but are physically located in the marketing area of either of the other two Florida orders should have a location adjustment (plus or minus) equal to the difference in the Class I prices existing in the order in which the plant is regulated and the order in which the plant is located. For plants located outside the State of Florida and regulated under one of the three Florida orders, a location adjustment rate of 2 cents for each 10 miles or fraction thereof should apply. Under the Upper Florida order, such minus adjustment should apply at plants located in excess of 85 miles from either Jacksonville or Tallahassee, and should be added to a minus adjustment of 15 cents that would apply at plants located more than 70 miles but less than 85 miles from such cities. For plants regulated under the Tampa Bay order, the location adjustment would be computed from the City Hall in Tampa. Under the Southeastern Florida order, the distance to a plant would be computed from the City Hall in West Palm Beach.

The current location adjustment provisions of the three Florida orders differ from the provisions adopted herein in the rate of the location adjustment per 10 miles, the adjustment under the Upper Florida order of 10 cents at a plant located more than 70 miles but less than 85 miles from either Jacksonville or Tallahassee, and the amount of the difference in the Class I differentials of the three orders. The current rate of adjustment per 10 miles is 1.5 cents. The difference between the

Class I differentials of the Upper Florida and Tampa Bay orders is 10 cents. The difference between the Tampa Bay and the Southeastern Florida Class I differentials is 20 cents. With respect to the Upper Florida and Southeastern Florida Class I differentials, there is a difference of 30 cents.

Three Florida cooperative associations proposed the location adjustments and the rates adopted herein. The only opposition to the cooperatives' proposal was expressed by a witness for Cumberland Farms, Inc. Cumberland Farms requested that a location adjustment rate of 2.3 cents per 10 miles be established for plants located outside the State of Florida. The witness also requested that in computing the distance of the plant from the basing point specified in the order regulating the plant, recognition be given to the location of the inspection station in Florida which must give clearance to bulk milk brought into the State of Florida. In the case of Cumberland Farms which ships milk to its distributing plant at Riviera Beach, Florida, from the pool supply plant at Dover, Delaware, the witness indicated that such milk must receive clearance at the inspection station located in White Springs, Florida. As a consequence, each load of milk shipped to Cumberland's Florida plant from the Delaware supply plant cannot be shipped by the most direct route and must travel approximately 120 additional miles.

A plant location adjustment for a Florida plant that is regulated by one of the Florida orders and located in the marketing area of either of the other two Florida orders should have a location adjustment (plus or minus) equal to the difference in the Class I prices that apply in the order under which the plant is regulated and the order in which the plant is located. The net result of the location adjustments adopted herein for plants located in the marketing areas of the three Florida orders is that the Class I differential when adjusted for plant location results in a Class I price for such plant that is identical to the one that would apply at such plant if the plant were regulated by the order for the marketing area in which the plant is located. For example, a plant located in the Upper Florida marketing area and regulated by the Southeastern Florida milk order would have a \$3.58 (\$4.18-60 cent location adjustment) Class I differential. Such Class I differential is identical to the Class I differential that applies to a plant located in the Upper Florida marketing area and regulated by such order.

A location adjustment rate of 2 cents per 10 miles for plants located outside the State of Florida is appropriate for the three Florida orders. For the Upper Florida order, the minus 15-cent adjustment for plants located more than 70 miles but less than 85 miles from the nearest city of Jacksonville or Tallahassee in conjunction with an additional reduction of 2 cents per 10 miles for plants located beyond 85 miles is appropriate. Such adjustments would result in a Class I differential of \$3.23 (\$3.58 minus 15 cents minus 2 cents for 10 zones beyond 85 miles) for a plant at Macon, Georgia, if such plant were regulated under the Upper Florida order. If the Macon plant were regulated by the Tampa Bay order, a Class I differential of \$3.12 would apply (\$3.88 minus 2 cents per 10 miles for 377 miles). Regulation of the Macon plant under the Southeastern Florida order would result in a Class I differential of \$3.14 (\$4.18 minus 2 cents per 10 miles for a distance of 512 miles).

The rate of 2 cents per 10 miles also will result in reasonable price alignment with one of the principal supply areas outside the State of Florida. Milk regularly moves from Putnam County, Georgia, to Florida and at various times the supply plant at Eatonton, Georgia, has been a source of supply for the Florida orders. The Class I differential for Tampa of \$3.88 when adjusted back to Eatonton (a distance of 414 miles by 2 cents per 10 miles) results in a Class I differential of \$3.04 (\$3.88 minus \$0.84). This results in a very close approximation to the \$3.08 Class I price that would apply at the Eatonton plant if regulated by the Atlanta order.

The 2.3-cent location adjustment rate advocated by Cumberland Farms was derived by estimating what effect the mandated Class I differential would have on the blend price at Dover, Delaware, under the Southeastern Florida milk order as compared with the blend price at such location under the Middle Atlantic order. The projected blend price at the Dover plant using 1985 actual pricing and utilization percentages modified to reflect the mandated increase in the Class I differentials indicated a \$12.985 blend under the Middle Atlantic order compared to a \$13.885 blend under Southeastern Florida. The witness for Cumberland Farms indicated that an increase in the location adjustment from 1.5 cents to 2.3 cents would reduce the Southeastern Florida blend price by 84.8 cents per hundredweight. Such adjustment would result in the blend prices differing by 5 cents per hundredweight.

The 2.3-cent location adjustment rate proposed by Cumberland Farms was designed to equate blend prices of two orders at a single plant location. However, this is contrary to the purpose of the hearing, which was to amend the location adjustment provisions of the orders so that the value of producer milk at various plants will be aligned on an intra-market and inter-market basis to reflect changes in the Class I differentials mandated by the Food Security Act of 1985.

The plant location adjustment provision of the three Florida orders should not be revised to recognize the added cost that results when out-of-state milk must receive clearance from Florida health authorities prior to delivery to Florida milk plants. The additional mileage involved in obtaining the inspection should be borne by the importing handler to encourage the lowest cost movements of milk, rather than having producers subsidize inefficient movements through increased location adjustments from the pool proceeds.

Plant location adjustment rates for Tennessee Valley order—Part 1011. The location adjustment provisions of the Tennessee Valley order should be amended so that the value of producer milk at various plants will be aligned on an intra-market and inter-market basis to reflect changes in the Class I differentials mandated by the Food Security Act of 1985, effective May 1, 1986. No location adjustment should apply on milk physically received at a plant located within the marketing area except the Kentucky portion of the marketing area, or in the State of Virginia. For milk received at a plant located within the State of North Carolina or south of the southern boundary of the States of North Carolina and Tennessee, a plus location adjustment of 20 cents should apply. A location adjustment of minus 32 cents should apply in the Kentucky counties of Bell, Breathitt, Clay, Harlan, Knott, Knox, Laurel, Leslie, Letcher, McCreary, Perry, Pulaski and Whitley. For milk that is received at a plant located more than 90 miles from the city halls in Bristol, Chattanooga and Knoxville and outside the States of Virginia and North Carolina, the Kentucky counties previously named and north of the southern boundary of the States of North Carolina and Tennessee, the Class I price should be reduced 2.5 cents for each 10 miles or fraction thereof that such plant is from the nearer of the city halls in Bristol, Chattanooga and Knoxville.

The location adjustment pricing adopted herein for the Tennessee Valley order was proposed by DI. Such pricing would be applicable to three of the 10 pool plants currently regulated under the Tennessee Valley order. The remaining seven pool plants are located in the marketing area of the Tennessee Valley order. No location adjustment currently applies at such plants and none was proposed by DI.

The Westover Dairy at Lynchburg, Virginia, would receive no location adjustment under DI's proposed pricing. Currently, a minus 30-cent adjustment applies at that plant's location. A Class I differential of \$2.77 is appropriate for the Lynchburg plant. The plant is situated between the marketing area of the Tennessee Valley order and the marketing area of the Middle Atlantic order, which has a mandated Class I differential of \$3.03. On the basis of the plant's distance from Washington, D.C., and a reduction of 1.5 cents per 10 miles in the Middle Atlantic Class I differential, the plant would have a minus location adjustment of 27 cents, or a \$2.76 differential at Lynchburg. Under such circumstances, there is ample reason to abandon a minus location adjustment for the Lynchburg plant and to provide for no location adjustment at that location. Furthermore, Class I pricing by the Virginia Milk Commission at the Lynchburg plant has exceeded the level of the Federal order Class I price for the Tennessee Valley order for the last several years.

A Class I differential of \$2.45 would apply at the Flav-O-Rich plant at London, Kentucky, under the minus 32-cent location adjustment proposed by DI for a number of Kentucky counties. The London plant currently has a minus 16.5-cent location adjustment based on a rate of 1.5 cents per 10 miles from Knoxville. The 32-cent adjustment represents a rate of 3 cents per 10 miles which is about the maximum rate that can be adopted in light of the current cost of moving milk.

DI's primary concern in establishing pricing at the London plant was to equate the Class I differential at that location with the Class I differential applicable under the Louisville-Lexington-Evansville order at a plant at Somerset, Kentucky. The plant at Somerset is in the adjoining county of Pulaski. As discussed in plant location pricing under the Louisville-Lexington-Evansville order, it is concluded that a Class I differential of \$2.26 should apply at the Somerset plant. Such differential is 19 cents less than the \$2.45 Class I differential for the London plant. Under

the current provisions of the two orders, the Class I differentials differ by 23.5 cents.

While it is not feasible to apply the same Class I differential at the London and the Somerset plants when such plants are regulated by the Tennessee Valley and the Louisville-Lexington-Evansville orders, respectively, the two plants should have the same Class I differential when both plants are regulated by the same order. To accomplish this, the Tennessee Valley order should be amended to include Pulaski County, Kentucky, in the minus 32-cent zone. Thus, if the Somerset plant becomes regulated under the Tennessee Valley order, it would have a \$2.45 Class I differential. Such pricing is appropriate for the two plants when they have the majority of their sales in the Tennessee Valley marketing area.

As discussed under the plant location adjustment pricing under the Louisville-Lexington-Evansville order, such order would be amended to include Pulaski County, Kentucky, in which the Somerset plant is located with Laurel County, Kentucky, (in which the London plant is located) and other counties in which a plus 15-cent location adjustment applies. This would result in a \$2.26 Class I differential at the Somerset and the London plants when both plants are regulated under the Louisville-Lexington-Evansville order.

A plant location adjustment of plus 20 cents should apply at plants located in the State of North Carolina, or south of the southern boundary of the States of North Carolina and Tennessee and outside the marketing area of the order. The adjustment adopted herein was proposed by DI.

The current adjustment that applies at a North Carolina pool plant at Winston-Salem is minus 22.5 cents. An individual representing the Winston-Salem plant and two other North Carolina plants that are partially regulated under the Tennessee Valley order opposed any change in the current location adjustment.

Historically, the Class I prices that North Carolina plants have paid for milk sold in North Carolina have been in excess of the Federal order prices applicable in adjoining markets. In addition, North Carolina is a deficit milk production area and milk must be moved from Virginia into North Carolina plants to supply the Class I needs of the market. The Virginia milk must be procured in competition with handlers regulated under the Middle Atlantic order for which a \$3.03 Class I differential is mandated. Also, North Carolina plants must compete for milk

supplies with the South Carolina plants at Spartanburg and Greenville that are regulated under the Georgia order with a \$3.08 Class I differential. Thus, the \$2.97 differential for North Carolina plants is appropriate to hold milk supplies in competition with higher-priced markets to the south. Under these circumstances, a plus 20-cent location adjustment is appropriate for plants in North Carolina.

The location adjustment for plants more than 90 miles from Bristol, Chattanooga or Knoxville and north of the southern boundary of the States of North Carolina and Tennessee but outside the States of North Carolina and Virginia should be reduced by 2.5 cents for each 10 miles or fraction thereof that such plant is from the nearer of the city halls in Bristol, Chattanooga or Knoxville. This rate is the same as the rate that applies for the intervening distance between the Chicago and Knoxville areas under the mandated Class I differentials [(\$2.77 minus \$1.40) divided by 543 miles]. On this basis, it is concluded that a 2.5-cent location adjustment rate is appropriate for the Tennessee Valley order.

Plant location adjustment rates for Louisville-Lexington-Evansville order—Part 1046. The location adjustment provisions of the Louisville-Lexington-Evansville order should be amended so that the value of producer milk at various plants will be aligned on an intra-market and inter-market basis to reflect changes in the Class I differentials mandated by the Food Security Act of 1985, effective on May 1, 1986. For milk received from producers at a plant and which is classified as Class I milk, the Class I price should be adjusted as follows:

(1) For such milk that is physically received at plants located in the Kentucky counties of Bell, Breathitt, Caldwell, Christian, Clay, Harlan, Hopkins, Knott, Knox, Laurel, Leslie, Letcher, Logan, Lyon, McCreary, Muhlenberg, Perry, Pulaski, Todd, Trigg and Whitley, the Class I price should be increased by a location adjustment of 15 cents;

(2) For such milk that is physically received at plants located within the defined marketing area of the Paducah, Kentucky, Federal Milk Marketing Order, Part 1099, excluding those counties specified in the above paragraph (1), the Class I price should be increased by a location adjustment of 28 cents;

(3) For such milk that is physically received at plants located east of the Mississippi River and south of the northern boundary of Tennessee or the northern boundary of North Carolina,

the Class I price should be increased by a location adjustment of 41 cents;

(4) For such milk that is physically received at plants located in the marketing area or the State of Kentucky and outside the areas specified in the above paragraphs (1), (2), or (3), no location adjustment should apply; and

(5) For such milk that is physically received at plants located outside the areas specified in the above paragraphs (a), (2), (3), or (4) and 85 miles or more from the City Halls in Louisville and Lexington, Kentucky, and Evansville, Indiana, by the shortest hard-surfaced highway distance as determined by the market administrator, the Class I price distance as determined by the market administrator, the Class I price should be reduced by a location adjustment of 2.5 cents for each 10 miles or fraction thereof that such plant is from the City Hall in Louisville, Lexington or Evansville, whichever is nearest.

Currently, the order provides for a plus 15-cent location adjustment zone that encompasses 12 counties in southeastern Kentucky. No location adjustment applies at plants located in the marketing area, in the State of Kentucky except for the 12 counties in the plus 15-cent zone, in the State of Tennessee or in the area east of the Mississippi River and south of the southern boundary of Tennessee or the northern boundary of South Carolina. Outside of the areas previously enumerated and 85 miles or more from the city hall in Louisville, Lexington or Evansville, the Class I price is reduced by a location adjustment of 1.5 cents for each 10 miles or fraction thereof that the plant is from the nearest city hall in Louisville, Lexington or Evansville.

DI proposed that 2 plus location adjustment zones be established in Southern Kentucky. The cooperative proposed that the current 15-cent zone of 12 counties be expanded by 11 counties and that the amount of the adjustment be plus 34 cents (an increase of 19 cents). DI also proposed that a plus location adjustment of 15 cents apply in a 45-county area of Kentucky. For a plant located in the Paducah marketing area with the exception of several counties included in the proposed 15-cent zone a plus location adjustment of 28 cents would apply. For plants located east of the Mississippi River and south of the northern boundary of the States of Tennessee and North Carolina, a location adjustment of plus 41 cents would apply. Also, DI proposed that the current location adjustment rate of 1.5 cents be increased to 2.5 cents per 10 miles.

The reasons set forth by DI for the establishment of the new pricing zones in Kentucky are as follows:

(a) In southeastern Kentucky, there are two distributing plants, one at London and the other at Somerset. Under the Louisville order, there is no location adjustment applicable at the Somerset location but a plus 15-cent location adjustment applies to a zone that includes the London plant's location. The plant at London is regulated under the Tennessee Valley order and under the current location adjustment provisions would have a Class I differential of \$2.605, or 49.5 cents higher than the \$2.11 differential at Somerset. The cooperative contended that legislated Class I differentials at Louisville of \$2.11 and at Knoxville of \$2.77 require at least one intermediate price zone between Louisville and Knoxville.

Under DI's proposed pricing, the current zone in southeastern Kentucky would be expanded to include the Somerset, Kentucky, plant. The cooperative contended that the London and Somerset plants compete for sales and milk supplies in the same geographic area. For this reason, DI proposed that both plants should have a \$2.45 Class I differential whether regulated by the Louisville or Tennessee Valley order.

(b) Lexington, Kentucky area—Currently, no location adjustment applies in the Lexington area under the Louisville order. The cooperative pointed out that there are two distributing plants in the Lexington area—the plant at Lexington is pooled under the Louisville order and the plant at Winchester is pooled under the Ohio Valley order.

DI noted that the two plants are less than 20 miles apart and for this reason the cooperative contended that the Class I differentials of the two plants should be the same irrespective of the order under which the plants are pooled.

(c) West Central Kentucky area—DI pointed out that there are two plants located in this area—one at Madisonville, Kentucky, regulated under the Louisville order and one at Hopkinsville, Kentucky, regulated under the Nashville order. The cooperative indicated that the West Central Kentucky area is a source of supply for the two plants. For this reason, the cooperative held that the Class I differential applicable at these two plants should be the same.

National Farmers Organization (NFO) opposed a 34-cent plus location adjustment for the pool distributing plant at Somerset, Kentucky. The

cooperative indicated that if the Secretary decided that the Somerset plant should be in a plus zone, Pulaski County in which the plant is located should be placed in a 15-cent zone. NFO also proposed a location adjustment rate of 2 cents per 10 miles instead of the 2.5-cent rate proposed by DI.

NFO expressed concern that a plus 34-cent location adjustment for the Somerset plant might deprive NFO of a sales outlet. The cooperative pointed out too that a number of manufacturing plants are located in the two proposed plus location adjustment zones and that milk diverted to such plants as producer milk could result in a reduction in the blend price to producers.

Southern Belle Dairy Company, Inc., the operator of the Somerset plant, opposed the 34-cent plus location adjustment. The company testified that Congress had mandated only a 26-cent difference in Class I prices between Louisville and Nashville whereas DI proposed a Class I price for Somerset 34 cents higher than Louisville even though Somerset is about midway between Louisville and Nashville.

In its brief, the Company listed 12 factors that should be taken into consideration in setting location adjustments. The company pointed out that the largest and third largest milk producing counties in Kentucky were proposed for inclusion in the plus 15-cent zone. The company also indicated that higher prices in the milkshed than in the city would encourage milk to go to manufacturing plants.

A representative of the Southeastern Graded Milk Producers Association, a cooperative association supplying Southern Belle Dairy Company, opposed DI's proposal to apply a plus location adjustment for milk received at the Somerset plant. The cooperative expressed concern that the proposed price increase would place Southern Belle Dairy at a disadvantage. According to the representative, such disadvantage might deprive the cooperative of a sales outlet.

Southeastern Dairies, the operator of a pool distributing plant at Louisville opposed the plus 15-cent location adjustment zone proposed by DI and the enlargement of the present plus 15-cent zone in conjunction with an increase in that zone's price to 34 cents. It was the company's position that milk in the Louisville market moves primarily from south to north. In that regard, the company indicated the Louisville plant draws 64 percent of its milk supply from the proposed plus 15-cent and plus 34-cent zones. The company contended that the price in south central Kentucky

should be lower than the Louisville price to encourage milk to move from the "production area" to the "consuming area."

Bel Cheese submitted a brief in opposition to the plus 15-cent location adjustment price that would apply at plants in Hart and Barren County. The company operates a nonpool manufacturing plant in the nearby county of Grayson, Kentucky, a county in which location adjustments would not apply. The company was concerned that it might be deprived of a fluid milk supply because there would be more of an incentive for dairy farmers to deliver milk to plants located in plus location adjustment zones than to plants in a no location adjustment zone. The company was concerned that it may have to pay higher prices to retain its milk supply due to the higher blend prices that would apply under DI's proposed pricing at similarly situated manufacturing plants in nearby counties.

Dean Foods, the operator of a pool distributing plant in Louisville, objected to the inclusion of Washington County in the plus 15-cent location adjustment zone. Dean Foods diverts milk during the flush months from its plant to the Armour Foods Company at Springfield, Kentucky, which is also a pool plant under the Louisville-Lexington-Evansville order. The company pointed out that those producers who are diverted during the flush months of production would have their price increased during the time of the year when prices generally decrease. When the milk of these producers is needed in Louisville for fluid use, they would find that their milk is priced 15 cents less than if it were received at Springfield.

A plus 15-cent location adjustment zone covering areas of southwestern and southeastern Kentucky should be provided to align Class I pricing for handlers under the Louisville order with handlers regulated under several nearby Federal order markets. Handlers regulated by the Louisville order compete with handlers located to the southeast, south and southwest of the Louisville market who are regulated under Federal orders which have higher Class I prices than the Louisville market. Class I differentials in the nearby southern markets are as follows: Tennessee Valley, \$2.77; Nashville, Tennessee, \$2.52; and Paducah, Kentucky, \$2.39. These higher price levels to the south of the Louisville market dictate that Class I differentials for plants in southern Kentucky must be as high or higher than the \$2.11 mandated for the Louisville-Lexington-Evansville market. Given the mandated

Class I differentials in the adjoining Federal orders which vary from 28 cents in the southwestern market to 66 cents in the southeastern market more than the Class I differential at Louisville, it is necessary to establish an intermediate price zone in the southern Kentucky area to assure that an adequate supply of milk is made available to pool plants located in such area.

The plus 15-cent location adjustment zone should be structured to include two pool distributing plants in southern Kentucky and exclude the Kentucky counties in southern and south central Kentucky in which nonpool manufacturing plants are located. The two pool distributing plants are located in Madisonville and Somerset, Kentucky. The Kentucky counties in which nonpool manufacturing plants are located are as follows: Anderson (Lawrenceburg), Barren (Glasgow), Clinton (Albany), Davies (Owensboro), Grayson (Leitchfield), Hardin (Elizabethtown), Hart (Horse Cave), Mason (Maysville), Mercer (Harrodsburg), Monroe (Tompkinsville) and Washington (Springfield). A plus location adjustment is not warranted for those counties in which nonpool manufacturing plants are located for two reasons. A plus location adjustment for nonpool plants would provide an incentive for dairy farmers to deliver milk to nonpool plants in preference to delivering milk to fluid milk plants. Furthermore, a plus location adjustment at the nonpool plant locations would reduce the level of the blend price at the central market locations.

The plus 15-cent location adjustment zone should include Hopkins County, Kentucky. A pool distributing plant in such county is located at Madisonville. The plant competes for Class I sales with a plant at Hopkinsville which is regulated under the Nashville, Tennessee, order. As noted in the discussion of location adjustments under the Nashville order, a Class I differential of \$2.26 should apply at the Hopkinsville location. Since the Madisonville plant competes with the Hopkinsville plant for raw milk supplies and for Class I sales, a Class I differential of \$2.26 is appropriate for the Madisonville plant. A plus 15-cent location adjustment zone that includes Hopkins County would provide such Class I differential.

The plant at Somerset and the plant at London should have the same Class I differential when both plants are fully regulated. To accomplish this, the counties in which the plants are located should be in a plus 15-cent zone. Currently, Laurel County in which the

London plant is located is in a plus 15-cent zone. Consequently, to achieve the same level of pricing at the Somerset plant, Pulaski County in which Somerset is located should be added to the same 15-cent location adjustment zone. Under such circumstance, both plants would have a \$2.26 Class I differential if regulated under the Louisville order.

As noted in the discussion of location adjustments for the Tennessee Valley order, the London plant and the Somerset plant would have a \$2.45 Class I differential if regulated under the Tennessee Valley order. In the event that the Somerset plant is regulated under the Louisville order and the London plant is regulated under the Tennessee Valley order, the Somerset plant would have a \$2.26 Class I differential and the London plant would have a Class I differential of \$2.45. Currently, there is a difference of 23.5 cents in the Class I prices at the Somerset and London locations. The revision would result in a difference of 19 cents in the Class I prices applicable at the two plants.

No basis exists on this record to establish a plus 15-cent location adjustment in the Lexington area. An area of heavy milk production is located about equidistant between Louisville and Lexington. Thus, an adequate supply of milk is available at the same price level for these two cities. Proponent cooperative's suggestion that a 15-cent plus location adjustment apply in the Lexington area appears to have been based on the expectation that the Class I differential for the Winchester plant would be established under the Ohio Valley order at \$2.26. In the event that a Class I differential in excess of \$2.11 is established at this Winchester location, recognition of such change and any accommodation that needs to be made to such change can be handled in a final decision.

A reduction of 2.5 cents per 10 miles should be used to determine the location adjustment for plants outside those areas in which plus location adjustments are provided under the order. The Class I price should be reduced by the 2.5-cent rate for each 10 miles or fraction thereof that the plant is located from the City Hall in Louisville, Lexington or Evansville, whichever is nearest. On the basis of mileage from Evansville and the use of the 2.5-cent rate, a plant in the Chicago area would have a Class I differential of \$1.36 [$[\$2.11 - (30 \text{ ten-mile zones} \times \$0.025)]$]. Such pricing approximates the \$1.40 Class I differential mandated for the Chicago Regional order. Accordingly, the 2.5-cent

rate should provide appropriate price alignment.

Southeastern Dairies proposed that when milk of an individual producer is physically received at more than one location (including any nonpool plant) during the month, the location adjustment rate shall be the weighted average of the amounts computed for the respective locations, except that if 75 percent or more of such producer's milk is delivered to a plant or plants at which the same rate is applicable, such rate should be applicable to all deliveries of such producer during the month regardless of point of delivery. The company asked that such proposal be implemented only in the event that the "Secretary may be able to justify higher prices in the south central Kentucky milkshed as proposed by DI." According to proponent, the purpose of the proposal is to discourage the regular source of supply for Louisville from being diverted to manufacturing plants located in nearby areas in which plus location adjustments were proposed to take advantage of a higher blend price. Also, Southeastern Dairies indicated that its proposal was designed to mitigate the tendency of the DI proposals to reduce the blend price for milk delivered to Louisville. Furthermore, the company held that its proposal would greatly facilitate reporting, record-keeping and payment obligations under the order.

As noted earlier, none of the Kentucky counties in which a nonpool manufacturing plant is located has been included in the plus 15-cent location adjustment area. Such action obviates the need for Southeastern Dairies' proposal and, accordingly, there is no need to implement the proposal by Southeastern Dairies.

Plant location adjustment rates under the Alabama-West Florida order—Part 1093. The location adjustment provisions of the Alabama-West Florida order should be amended so that the value of producer milk at various plants will be aligned on an intra-market and inter-market basis to reflect changes in the Class I differentials mandated by the Food Security Act of 1985, effective on May 1, 1986.

Plant location adjustments in Zones 1 through 4a should be as follows: Zone 1, minus 23 cents; Zone 2, no adjustment; Zone 3, plus 27 cents; Zone 4, plus 57 cents; and Zone 4a, plus 30 cents. For a plant located in any of the Tennessee and Georgia counties in which a minus 20 cents currently applies, the location adjustment should be a minus 31 cents. For a plant located in any of the Tennessee or Kentucky counties or in the Fort Campbell military reservation

in which a minus 45-cent adjustment applies, the location adjustment should be a minus 56 cents. For a plant located outside the marketing area and in the State of Florida, a location adjustment of plus 50 cents should apply.

For a plant located outside the marketing area and north of a line extending through the northern boundaries of Georgia, Alabama and Mississippi (except the Tennessee and Kentucky counties in which a minus 31-cent of a minus 56-cent adjustment applies and Fort Campbell military reservation), the adjustment should be a minus 23 cents plus an additional reduction of 2.5 cents for each 10 miles or fraction thereof that the plant is from the nearer of the city halls in Florence or Huntsville, Alabama.

For a plant located outside the marketing area, the State of Florida and the Georgia counties in the Tennessee Valley marketing area and south of a line extending through the northern boundaries of Georgia, Alabama and Mississippi, the adjustment should be the adjustment applicable at Mobile, York, Tuscaloosa, Florence, Huntsville, Gadsden, Opelika, or Dothan, Alabama, whichever city is nearest. This provision is currently in the order and there was no proposal to change such provision. Accordingly, the provision should be continued without change.

The changes in the location adjustments adopted herein are identical to the changes proposed by DI except for Zone 4a. Zone 4a includes only Houston County and provides location adjustment pricing for a plant at Cowarts, Alabama. DI proposed that a plus 40 cents apply at such plant. However, a plus 30-cent adjustment is adopted herein.

Dairy Fresh opposed any change in the existing zone prices under the Alabama-West Florida order. The company operates two plants regulated under the order, one at Pritchard, Alabama, and one at Cowarts, Alabama.

Beatrice, which operates a pool plant at Huntsville, Alabama, proposed that the Class I differential at Huntsville should be aligned on the basis of the mandated Class I differentials for Nashville (\$2.52) and Birmingham (\$3.08) and the location of the Huntsville plant relative to those two pricing points. The company's representative pointed out that Huntsville is approximately 109 miles south of Nashville and 96 miles north of Birmingham. In Beatrice's view, the 56-cent difference in price between Nashville and Birmingham should be divided into two segments—30 cents for 109 miles between Nashville and

Huntsville and 26 cents for the 96 miles between Huntsville and Birmingham.

DI opposed the 26-cent minus adjustment for Zone 1. The cooperative pointed out that the adjustment for such zone would apply to a pool plant at Decatur as well as to the Huntsville plant. The cooperative indicated that the Decatur plant is about 80 miles from Birmingham. On the basis of such distance, the cooperative held that an adjustment of no more than 23 cents is warranted.

The difference in the two proposed adjustments for Zone 1 amounts to only 3 cents per hundredweight. A further consideration is the level of the Class I differential that applies to the east of Zone 1 under the Georgia order in the Northern Zone (\$2.93) and the Class I differential that applies to the west of Zone 1 in the northern Mississippi counties under the New Orleans-Mississippi order (\$2.90). Such price levels in conjunction with the volume of milk that must be imported into the Alabama-West Florida order to meet Class I needs would indicate that a Class I differential of \$2.85 is warranted for Zone 1.

No location adjustment should be provided in Zone 2. Currently, no adjustment applies in such zone and none was proposed at the hearing. Thus, the mandated Class I differential of \$3.08 would apply to plants in Zone 2.

A plus location adjustment of 27 cents should apply in Zone 3. Such pricing would apply to 3 pool plants in Montgomery and 1 pool plant at Selma and result in a Class I differential of \$3.35. The plants at Montgomery are about 92 miles from Birmingham. Thus, the 27-cent adjustment represents a rate of 2.7 cents per 10 miles. Furthermore, the Zone 3 area of the Alabama-West Florida order area is due east of the New Orleans-Mississippi Zone 3, an area in which a Class I differential of \$3.35 would apply. Thus, the plus 27-cent location adjustment for Zone 3 is justified on the basis of distance from Birmingham and on the basis of Class I price alignment on an east-west axis with plants regulated under the New Orleans-Mississippi order.

The plant location adjustment for Zone 4a should be plus 30 cents. This will provide a Class I differential of \$3.38 for a plant of Cowarts in Houston County. Currently, a 20-cent difference in the Class I price exists between the plant at Cowarts and a pool distributing plant at Columbus, Georgia. As discussed under the section dealing with location adjustments for the Georgia order, a plus 10-cent adjustment would apply at the Columbus plant. The

resulting Class I differential would be \$3.18 at the Columbus plant. The plus 30-cent adjustment to the Class I differential price at Birmingham of \$3.08 resulting in a Class I differential of \$3.38 at Cowarts will provide proper price alignment with the Columbus plant. Such pricing at Cowarts maintains the 20-cent difference in Class I pricing that currently exists between the Columbus, Georgia, plant and the plant at Cowarts, Alabama. Houston County is adjacent to the Southern Zone of the Georgia order where an identical \$3.38 Class I differential is adopted. In addition, Cowarts is about 94 miles from Tallahassee, which is a basing point for location adjustments under the Upper Florida order. At 94 miles, the Upper Florida Class I differential would be adjusted to \$3.41 at Cowarts. Thus, the \$3.38 differential of Cowarts under the Alabama-West Florida order provides appropriate alignment in competition for milk supplies with handlers regulated under adjacent orders.

The location adjustment for the Mobile Alabama, area (Zone 4) should be a plus 57 cents. Such adjustment would result in a Class I differential of \$3.65 for three pool plants—Mobile and Pritchard, Alabama, and Pensacola, Florida. On a east-west axis, the \$3.65 Class I differential in the Mobile area is aligned with the Class I differential that applies at the Franklinton and Kentwood plants which are regulated under the New Orleans-Mississippi order. Furthermore, the Class I differential applicable in Zone 4 represents an increase of 98 cents over the current Class I differential that applies in such zone. Such increase is commensurate with the Class I price increase of \$1.00 that was mandated for the New Orleans area by the Food Security Act of 1985.

The location adjustment should be minus 31 cents for a plant located in the Tennessee counties in the marketing area of the Tennessee Valley order plus Bledsoe County, Tennessee. The same adjustment should apply at a plant located in the Georgia counties included in the marketing area of the Tennessee Valley order. The 31-cent adjustment would result in a \$2.77 Class I differential for milk at such plants. Such differential is the same as the mandated Class I differential that would apply at such plants if regulated under the Tennessee Valley order.

The location adjustment should be a minus 56 cents for a plant located in the Tennessee and Kentucky counties and Fort Campbell military reservation which are included in the marketing area of the Nashville, Tennessee, order.

The 56-cent adjustment would result in a \$2.52 Class I differential for milk at such plants. Such differential is the same as the mandated Class I differential that would apply at such plants if located within 50 miles of the State Capitol of Tennessee and regulated under the Nashville, Tennessee, order.

The location adjustment should be a plus 50 cents for a plant outside the marketing area and located in the State of Florida. The 50-cent adjustment would result in a \$3.58 Class I differential for milk at such plant. Such differential is appropriate since it is the same as the mandated Class I differential that applies in the northern Florida area that is regulated under the Upper Florida order.

A minus adjustment of 23 cents plus an additional reduction of 2.5 cents per 10 miles should be used to determine the location adjustment for plants outside the marketing area and north of a line running through the northern boundaries of Georgia, Alabama and Mississippi except the Tennessee and Kentucky counties in which a minus 31-cent or minus 56-cent location adjustment applies. The plant's location should be measured from the nearer of the city halls in Florence or Huntsville, Alabama. On the basis of mileage from Huntsville, a plant in the Chicago area would have a Class I differential of \$1.48 [$\$3.08 - \$0.23 - (55 \text{ ten-mile zones} \times \$0.25)$]. Such pricing approximates the \$1.40 Class I differential mandated for the Chicago Regional order.

Accordingly, the reduction of 23 cents in conjunction with the 2.5-cent rate per 10 miles represents an appropriate adjustment to the Class I differential of the Alabama-West Florida order.

Plant location adjustment rates under the New Orleans-Mississippi order—Part 1094. The location adjustment provisions of the New Orleans-Mississippi order should be amended so that the value of producer milk at various plants will be aligned on an intra-market and inter-market basis to reflect changes in the Class I differentials mandated by the Food Security Act of 1985, effective on May 1, 1986. Plant location adjustments in the marketing area should be as follows:

Zone 1, no adjustment; Zone 2, minus 20 cents; Zone 2A, minus 40 cents; Zone 3, minus 50 cents; Zone 3A, minus 65 cents; Zone 4, minus 75 cents; Zone 5, minus 80 cents; and Zone 6, minus 95 cents. Plant location adjustments outside the marketing area should be as follows: Zone III of the Greater Louisiana order, minus 7 cents; Zone II of the Greater Louisiana order, minus 30 cents; Zone I of the Greater Louisiana order, minus 57

cents; and in the State of Mississippi outside the marketing area, minus 95 cents. Also, the minus adjustment rate that is currently 1.5 cents per 10 miles should be changed to 2.5 cents per 10 miles.

The location adjustments adopted herein are unchanged from those proposed by DI except for Zone 2A. In Zone 2A, which includes the Hattiesburg, Mississippi, area, the adjustment should be a minus 40 cents instead of the minus 30 cents proposed by DI.

Dairy Fresh, the operator of pool plants at Columbus and Hattiesburg, Mississippi, proposed that the plant location adjustments for the marketing area zones be as follows: Zone 1, no adjustment; Zone 2, minus 20 cents; Zone 3, minus 40 cents; Zone 4, minus 70 cents; Zone 5, minus 80 cents; and Zone 6, minus 90 cents.

Barber Pure Milk Company supported a Class I price differential of \$2.85 in Zone 6 of the New Orleans-Mississippi order. The company operates a plant at Tupelo, Mississippi, and estimated that approximately 20 percent of its Class I sales are in Alabama in competition with plants in Zone 1 of the Alabama-West Florida order. For this reason, the company wanted its Class I differential at Tupelo to be no greater than the Class I differentials applicable in Zone 1 of the Alabama-West Florida order.

Gulf Dairy Association supported the pricing proposed for the New Orleans-Mississippi order except the pricing proposed by DI for the Hattiesburg area. Although Gulf Dairy Association approved the creation of a new Zone 2A, and area that includes Hattiesburg, the cooperative requested that a location adjustment of minus 40 cents apply instead of the minus 30 cents proposed by DI. The spokesman for the cooperative indicated that the 10-cent higher Class I differential proposed by DI would result in a loss of sales by the Hattiesburg plant to its competitors. The cooperative was concerned that the loss in Class I sales would adversely affect the cooperative's sales to the Hattiesburg plant.

Gulf Coast Dairyman's Association opposed the creation of Zone 2A proposed by DI. The cooperative requested that Zone 3 not be restructured and that a minus 40-cent location adjustment apply at the Hattiesburg location. The cooperative also expressed the view that the Hattiesburg plant might lose Class I sales if the location adjustment was changed from minus 40 cents to the minus 30 cents proposed by DI.

Zones 1 and 2 should be continued with no change in the area within each zone. In Zone 1, which includes the city of New Orleans, no location adjustment currently applies and none would be provided under the provisions adopted herein. Such pricing would result in a Class I differential of \$3.85 for plants in New Orleans which is mandated by the Food Security Act of 1985. In Zone 2, a plant location adjustment of minus 20 cents should apply. Such level of pricing for Zone 2 was proposed by DI and by Dairy Fresh. Currently, a plant location adjustment of minus 18 cents applies in Zone 2. There was no objection to the proposed change. Such change appears warranted in view of current transportation costs and, accordingly, is adopted herein.

The plant location adjustment of minus 40 cents that applies at a plant at Hattiesburg should be continued. The adjustment at the Hattiesburg plant should be accomplished by dividing the area in the current Zone 3 into a Zone 2A that includes Hattiesburg and a new Zone 3. While DI contended that the minus 40 cents was not warranted on the basis of the 110-115 miles between New Orleans and Hattiesburg, such view must be considered in light of the statement by representatives of two cooperatives who currently deliver milk to the Hattiesburg plant that their member-producers are willing to deliver milk for Class I use to the plant for a Class I differential of \$3.45. Under such circumstances, it is concluded that the minus 40-cent location adjustment should be continued at the Hattiesburg location. Such adjustment would result in the \$3.45 Class I differential supported by the two cooperatives that supply milk to the plant.

The Class I differentials for pool distributing plants located at Jackson, Meridian and Canton, Mississippi, that currently are in the same pricing zone as the Hattiesburg plant should be established at 10 cents less than the Hattiesburg plant. This should be accomplished by leaving the counties in which such plants are located in Zone 3 and specifying that a minus 50-cent location adjustment shall apply in Zone 3.

DI and Gulf Dairy Association supported a minus 50-cent location adjustment for the Jackson, Meridian and Canton plants. Gulf Coast Dairyman's Association held that the three plants should have a minus 40-cent adjustment.

The operator of the Jackson and Meridian plants offered no testimony in opposition to the 10-cent greater price adjustment. DI, the operator of the Canton plant, proposed the Class I

differential that would apply at the Canton plant.

Both the Jackson and Meridian plants are more than 80 miles from Hattiesburg. The Canton plant is even more distant from Hattiesburg since Canton is located north of Jackson and Meridian. On the basis of mileage and a location adjustment of 2.5 cents per 10 miles, a difference of 20 cents could be justified between Hattiesburg and the Jackson and Meridian plants. DI supported such 20-cent difference. However, DI wanted to achieve such 20-cent difference by applying a 10-cent higher Class I differential at Hattiesburg than that adopted herein.

The 80 miles or more separating the Hattiesburg plant and the Jackson, Meridian and Canton plants warrants a restructuring of the current Zone 3 into a Zone 2A and Zone 3. The Hattiesburg plant should be in Zone 2A with a minus 40-cent location adjustment. The Jackson, Meridian and Canton plants should be in Zone 3 with a minus 50-cent location adjustment. The 10-cent lower Class I differential at plants in Zone 3 is warranted by the 80 or more miles separating the pool plants in Zone 2A and Zone 3.

Zone 4 should be divided into a Zone 3A and Zone 4. Under such zoning, a plant at Kosciusko, Mississippi, would be in Zone 3A and the plant at Columbus, Mississippi, would remain in Zone 4. Currently, the two plants are in Zone 4 and have the same Class I differential. Under the zoning adopted herein, the plant at Kosciusko would have a 10-cent higher Class I differential than the plant at Columbus. The 10-cent higher price is justified on the basis that Columbus is located about 283 miles from New Orleans while Kosciusko is approximately 239 miles from New Orleans. The 40-50 miles that the Columbus plant is beyond the Kosciusko plant warrants the 10-cent difference in Class I differentials at the two locations.

Zone 5 should be continued with no change in the area within the zone. The location adjustment for the zone should be minus 80 cents. The two pool plants that would be affected by such pricing are Grenada Farms, Grenada, Mississippi, and Elliott Dairy, Amory, Mississippi. There was no opposition to the location adjustment proposed for Zone 5.

In Zone 6, a minus 95-cent location adjustment should apply. This would result in a Class I differential of \$2.90 at a plant in Tupelo. Although the Tupelo plant operator contended that the Class I differential at Tupelo should not exceed the Class I differential of \$2.85 that applies at a Huntsville, Alabama, plant, the Class I differential must be

held at the \$2.90 level to provide price alignment with the Memphis market. Tupelo is located in the same price zone under the Memphis order as a nearby plant at Oxford, Mississippi, that is regulated under the Memphis order. A \$2.90 Class I differential is provided for this zone under the Memphis order. [Official notice is taken of an emergency decision on proposed amendments to the marketing agreement and the order regulating the handling of milk in the Memphis, Tennessee, marketing area that was published in the Federal Register on May 16, 1986 (51 FR 17982-17986).] Accordingly, inter-market price alignment will be maintained with the adoption of a \$2.90 Class I differential for Zone 6 under the New Orleans-Mississippi order.

The plant location adjustments under the New Orleans-Mississippi order for the marketing area covered by the Greater Louisiana order should be coordinated with the Class I differentials that apply at plants regulated by the Greater Louisiana order. This can be accomplished by providing the following plant location adjustments for the zones of the Greater Louisiana order: Zone I, minus 57 cents; Zone II, minus 30 cents and Zone III, minus 7 cents.

For milk received at a plant located outside the States of Mississippi, Alabama or Louisiana and the Florida counties of Escambia or Santa Rosa and more than 150 miles from the City Hall in New Orleans, the Class I price should be reduced by 45 cents plus an additional reduction of 2.5 cents per 10 miles or fraction thereof that the plant is more than 160 miles from the New Orleans Hall. The plant location adjustment rate of 2.5 cents per hundredweight per 10 miles for the New Orleans-Mississippi order is the same as that proposed by DI for the other 7 Federal orders for which the cooperative proposed changes in the location adjustment. On the basis of mileage from New Orleans, a plant in the Chicago area would have a Class I differential of \$1.475 [\$3.85-45 cents- (77 10-mile zones x \$0.25)]. Such price approximates the \$1.40 Class I differential mandated for the Chicago Regional order.

Plant location adjustment rates for the Greater Louisiana order—Part 1096. The location adjustment provisions of the Greater Louisiana order should be amended so that the value of producer milk at various plants will be aligned on an intra-market and inter-market basis to reflect changes in the Class I differentials mandated by the Food Security Act of 1985, effective on May 1,

1986. For a plant located in the marketing area, no location adjustment should apply in Zone I, a plus 27-cent adjustment should apply in Zone II and a plus 50-cent adjustment should apply in Zone III. For a plant located outside the marketing area, the following location adjustments should apply:

(1) For a plant located in any of the following Louisiana parishes, the adjustment should be:

(i) Plus 57 cents.

Jefferson, Lafourche, Orleans, Plaquemines, St. Bernard, St. Charles, Terrebonne.

(ii) Plus 37 cents.

St. Tammany, Tangipahoa, Washington.

(2) For a plant located in any of the following Mississippi counties, the adjustment should be:

(i) Plus 37 cents.

George, Hancock, Harrison, Jackson, Pearl River, Stone.

(ii) Plus 17 cents.

Amite, Covington, Forrest, Franklin, Greene, Jefferson Davis, Jones, Lamar, Lawrence, Lincoln, Marion, Perry, Waltham, Wayne and Wilkinson.

(iii) Plus 7 cents.

Adams, Claiborne, Clarke, Copiah, Hinds, Issaquena, Jasper, Jefferson, Kemper, Lauderdale, Leake, Madison, Neshoba, Newton, Rankin, Scott, Sharkey, Simpson, Smith, Warren and Yazoo.

(3) For a plant located in any of the following Texas counties, the adjustment should be:

(i) Plus 54 cents.

Chambers, Hardin, Harris, Jefferson, Liberty, Orange.

(ii) Plus 37 cents.

Jasper, Newton, Polk, Tyler.

(iii) No adjustment.

Angelina, Cass, Harrison, Gregg, Marion, Nacogodoches, Panola, Rusk, Sabine, San Augustine, Shelby, Upshur.

(4) For a plant located outside of the areas described in the above paragraphs (1) through (3) and located more than 50 miles by the shortest hard-surfaced highway distance, as determined by the market administrator, from the nearer of the City Hall in Monroe or Shreveport, Louisiana, the adjustment should be minus 2.2 cents per hundredweight for each 10 miles or fraction thereof.

The current location adjustments for Zone I, Zone II and Zone III are no adjustment, plus 19 cents, and plus 38 cents, respectively. Of the 12 pool plants regulated under the Greater Louisiana order, 7 are located in Zone I, none in Zone II and 5 in Zone III.

There was no controversy regarding location adjustment pricing for Zone I and Zone II. In Zone I, which includes the Shreveport area, no location

adjustment applies currently and no change was proposed. Although there are no pool plants in Zone II, it is reasonable to provide for a 27-cent plus location adjustment for that zone in the event a plant should someday be located there. Zone II is the midpoint between Zone I, which provides for no adjustment, and Zone III, for which a plus 50-cent adjustment was proposed and is adopted herein.

A handler who operates a pool plant at New Orleans that is regulated under the New Orleans-Mississippi order testified on behalf of five dairies (including his own) located in Zone 1 of the New Orleans-Mississippi order, which would have a \$3.85 Class I differential. These dairies requested that the Class I differential in Zone III of the Greater Louisiana order be continued at the same level as the New Orleans price. The witness indicated that currently the Class I differentials in these two areas are identical.

DI offered an amended proposal at the hearing that would have provided a \$3.85 Class I differential for Zone III. The cooperative proposed that the Class I differential for Zone I of the Greater Louisiana order be increased from the mandated \$3.28 to \$3.35. Such differential in conjunction with the 50-cent plus location adjustment that DI proposed for Zone III would have maintained the Class I price relationship that had existed between plants in Zone III of the Greater Louisiana order and Zone I of the New Orleans-Mississippi order. Objections to the receipt of testimony on the amended proposal were made at the hearing and were sustained by the Administrative Law Judge. As a consequence, DI then supported its proposal as published in the hearing notice.

A representative of Dairy Fresh, which operates a plant at Baton Rouge, Louisiana, proposed that the existing plus 38-cent location adjustment for Zone III be continued. Such adjustment in conjunction with the mandated differential of \$3.28 at Shreveport would result in a Class I differential for Zone III (which includes Baton Rouge) of \$3.66.

While the Baton Rouge and Lake Charles plants have had the same Class I differentials as plants in Zone 1 of the New Orleans-Mississippi order, a lower price for the Zone III area of Greater Louisiana is appropriate. On the basis of a north-south location, Baton Rouge lies on an east-west line that is approximately 20 to 25 miles north of New Orleans. On the basis of such mileage, a Class I differential that is 7 cents less than New Orleans will

provide appropriate pricing for the Zone III area.

For plants located in the New Orleans-Mississippi marketing area in Zones 1 through 3, plant location adjustments should be established that will provide Class I differentials for plants regulated by this order at the same level as would prevail if the plants were regulated by the New Orleans-Mississippi order.

For milk received at a plant located in the Texas counties of Angelina, Cass, Harrison, Gregg, Marion, Nacogodoches, Panola, Rusk, Sabine, San Augustine, Shelby or Upshur, no adjustment should be made to the Class I price. Currently, no location adjustment applies at plants located in any of these 12 Texas counties and none was proposed.

The location adjustment should be a plus 54 cents for milk received at a plant located in the Texas counties of Chambers, Hardin, Harris, Jefferson, Liberty and Orange. Such adjustment would result in a \$3.82 Class I differential for milk received in the 6-county area. The same level of Class I pricing under the Texas order would apply in the 6-county area under the location adjustment proposed in the notice of hearing involving the Texas order (official notice is taken of such notice of hearing appearing in the *Federal Register* at 51 FR 6250).

For milk received at a plant located in the Texas counties of Jasper, Newton, Polk and Tyler, a location adjustment of plus 22 cents should apply. Such adjustment would result in a \$3.50 Class I differential for milk received at a plant in the 4-county area. Currently, a plus 19-cent adjustment applies in the 4-county area. Although DI proposed that a plus 37-cent location adjustment should apply in these four Texas counties, the cooperative provided no specific basis for the 18-cent increase.

We presume that the cooperative intended that the Class I differential at plants in Jasper, Newton, Polk or Tyler be the same whether regulated under the Greater Louisiana order or the Texas order. The adjustment of plus 22 cents that is adopted herein would provide the same level of Class I pricing that would prevail under the Texas order in the four Texas counties if the location adjustment proposed for such counties in the notice of hearing involving the Texas order is adopted.

In the event that the location adjustments proposed for the 6-county and 4-county area, respectively, under the Texas order are not adopted as proposed, any accommodation to such change under the Greater Louisiana order can be handled in a final decision.

For milk received at a plant outside the marketing area and outside those areas in Louisiana, Mississippi and Texas in which either plus adjustments or no adjustments are specified under this order and located more than 50 miles from the nearer of the City Hall in Monroe or Shreveport, Louisiana, the Class I price should be reduced 2.2 cents per hundredweight for each 10 miles or fraction thereof that the plant is located from the nearest of such City Halls. The plant location adjustment rate of 2.2 cents per 10 miles for the Greater Louisiana order is 0.3 cents less than the rate proposed by DI for this order and the other 7 Federal orders for which the cooperative proposed changes in the location adjustment rates. On the basis of mileage from Shreveport and the 2.5-cent rate, a plant in the Chicago area would have a Class I differential of \$1.13 [\$3.28 - (86 10-mile zones \times \$.025)]. Such price is 27 cents less than the \$1.40 Class I differential mandated for the Chicago Regional order. To achieve the needed Class I price alignment, a lower rate is needed. A rate of 2.2 cents per 10 miles would reduce the Class I differential for a plant in the Chicago area to \$1.388 and achieve the needed Class I price alignment.

Plant location adjustment rate for the Nashville, Tennessee, order—Part 1098. The location adjustment provisions of the Nashville, Tennessee, order should be amended so that the value of producer milk at various plants will be aligned on an intra-market and inter-market basis to reflect changes in the Class I differentials mandated by the Food Security Act of 1985, effective on May 1, 1986. For milk received from producers which is classified as Class I milk, the Class I price should be adjusted as follows:

(1) For such milk that is physically received at plants located in the Kentucky counties of Bell, Breathitt, Caldwell, Christian, Clay, Harlan, Hopkins, Knott, Knox, Laurel, Leslie, Letcher, Logan, Lyon, McCreary, Muhlenberg, Perry, Pulaski, Todd, Trigg, and Whitley, the Class I price should be decreased by a location adjustment of 26 cents;

(2) For such milk that is physically received at plants located within the defined marketing area of the Paducah, Kentucky, Federal Milk Marketing Order Part 1099, excluding those counties specified in the above paragraph (1), the Class I price should be decreased by a location adjustment of 13 cents;

(3) For such milk that is physically received at plants located outside the areas specified in the above paragraphs (1) or (2) and north of the northern boundary of Tennessee or the northern

boundary of North Carolina and more than 50 miles from the State Capitol in Nashville by the shortest hard-surfaced highway distance as determined by the market administrator, the Class I price should be reduced by 17.5 cents plus an additional reduction of 2.5 cents for each 10 miles or fraction thereof that such plant is more than 70 miles from the State Capitol; and

(4) For such milk that is physically received at plants located east of the Mississippi River and south of the northern boundary of Tennessee or the northern boundary of North Carolina, no adjustment should be made.

The location adjustments for the Nashville order were proposed by DI. There was no opposition to the rates proposed.

There are only three pool plants currently regulated under the Nashville order. Purity Dairies at Nashville, Tennessee, and DI's plant at Lewisburg, Tennessee, are in the area in which no location adjustment applies. At such plants, the mandated Class I differential of \$2.52 for the Nashville order would apply. The third plant is Model Pure Milk at Hopkinsville, Kentucky. This plant is located in Christian County, Kentucky, and a location adjustment of minus 26 cents should apply at such plant location.

A location adjustment of 26 cents for the Hopkinsville location is appropriate. Hopkinsville is situated in the triangular area formed by drawing a line from Evansville, Indiana, to Paducah, from Paducah to Nashville, and from Nashville to Evansville. The mandated Class I differentials for the three locations are \$2.11 for Evansville, \$2.39 for Paducah and \$2.52 at Nashville.

The minus 26-cent location adjustment will result in similar Class I pricing for the Hopkinsville plant and the plant at Madisonville, Kentucky, which is regulated under the Louisville-Lexington-Evansville order. As noted in the discussion of the plant location adjustment rate for the Louisville-Lexington-Evansville order, the Class I differential would be \$2.26 at Madisonville. The location adjustment of minus 26 cents from the Nashville Class I differential of \$2.52 would result in a \$2.26 Class I differential at Hopkinsville.

For milk received at a plant north of the northern boundary of the States of Tennessee and North Carolina (except those Kentucky counties where minus location adjustments of 13 cents and 26 cents apply) and more than 50 miles from the State Capitol in Nashville, the Class I price should be reduced 17.5 cents plus an additional reduction of 2.5 cents for each 10 miles or fraction

thereof that such plant is more than 70 miles from the State Capitol. The plant location adjustment rate of 2.5 cents per hundredweight per 10 miles for the Nashville order is the same as that proposed by DI for the other 7 Federal orders for which the cooperative proposed changes in the location adjustment rates. On the basis of mileage from Nashville, a plant in the Chicago area would have a Class I differential of \$1.395 [\$2.52 - (45 10-mile zones \times \$.025)]. Such price is equivalent to the \$1.40 Class I differential mandated for the Chicago Regional order.

Plant location adjustment rate for the Paducah, Kentucky, order—Part 1099. The location adjustment provisions of the Paducah, Kentucky, order should be amended so that the value of producer milk at various plants will be aligned on an intra-market and inter-market basis to reflect changes in the Class I differentials mandated by the Food Security Act of 1985, effective on May 1, 1986. For milk received from producers at a plant located outside the State of Kentucky and north of an east-west line running through the southern boundary of the State of Kentucky and more than 40 miles by shortest highway distance as measured by the market administrator from the nearest County Courthouse in any of the counties included in the marketing area and disposed of as Class I milk or assigned Class I location adjustment credit, the Class I price should be reduced by 12.5 cents, plus an additional reduction of 2.5 cents for each 10 miles or fraction thereof that such distance exceeds 50 miles.

The order currently provides for a plant location adjustment of minus 7.5 cents per hundredweight for a plant located more than 40 but less than 50 miles from the nearest County Courthouse in any of the counties included in the marketing area. Beyond 50 miles, an additional adjustment of minus 1.5 cents per 10 miles or fraction thereof applies.

The rate adopted herein was proposed by Dairymen, Inc. There was no opposition to the proposed rate.

There is only one pool plant regulated under the Paducah order. The plant is not eligible for a location adjustment since it is within 40 miles of the nearest County Courthouse of any county in the marketing area.

The plant location adjustment rate of 2.5 cents per hundredweight per 10 miles for the Paducah order is the same as that proposed by DI for the other seven Federal orders for which the cooperative proposed changes in the location

adjustment rates. The mandated Class I differentials for the eight orders reflect a rate of about 2.5 cents from Chicago, Illinois. On the basis of mileage from Paducah, a plant in the Chicago area would have a Class I differential of \$1.465 [$\$2.39 - (37 \text{ 10-mile zones} \times \$0.25)$]. Such pricing approximates the \$1.40 Class I differential mandated for the Chicago Regional order. Thus, the use of the 2.5-cent rate to provide location adjustments under the Paducah order should result in a Class I alignment at plant locations north of Kentucky.

2. *Class I differential applicable under eight southeastern Federal milk orders on bulk milk transferred from a pool plant to an other order plant.* No change should be made in the Class I differentials applicable on bulk milk transferred to an other order plant from a pool plant regulated under either the Georgia, Tennessee Valley, Louisville-Lexington-Evansville, Alabama-West Florida, New Orleans-Mississippi, Greater Louisiana, Nashville, or Paducah Federal milk orders.

DI proposed that the plant location adjustment provisions of these eight orders be changed to provide that milk transferred to an other order plant for Class I use from a pool plant regulated by one of these orders would be subject to a Class I price that is not less than the Class I price that would apply at the transferor plant if it were regulated under the other Federal milk order. The three Florida orders included in the notice of hearing currently contain such provisions. Under the proposed change, the amount of the location adjustment to handlers would be limited so that the Class I price for milk moved to other order plants would not be less than the Class I price applicable to handlers who are competing for Class I sales with the transferee plant.

National Farmers Organization opposed the proposed change on the basis that no marketing conditions exist to warrant the change.

The proposed change in the pricing of bulk milk transferred from a pool plant to an other order plant should not be made on the basis of this record. There was no indication that a pricing problem was present under the Class I differentials existing in the eight orders prior to May 1, 1986, or that a pricing problem was likely to develop under the Class I differentials that became effective on May 1, 1986. In the event a marketing problem does occur, then a hearing can be called to address that problem and amendatory language necessary to correct the problem can be considered on the basis of the actual marketing situation.

Another consideration in the eight southeastern orders is that the proposed change would have very limited applicability. The reason for this limited applicability is that the plant location adjustment rates for the individual orders, with the exception of the Greater Louisiana order, use a rate of 2.5 cents per 10 miles which, according to the record evidence, approximates the price surface in the Class I differentials of the eight southeastern orders that became effective on May 1, 1986. To illustrate this point, a Louisville plant regulated under the Louisville order would have a Class I differential of \$2.11, while a Louisville plant regulated under the Georgia order would have a \$2.18 Class I differential (\$3.08 Class I differential at Atlanta less a 90-cent location adjustment).

3. *The need for emergency action with respect to issues No. 1 and 2.* A recommended decision is omitted on the basis that the due and timely execution of the Secretary's functions require such omission to conform the orders to the Class I differential changes that became effective on May 1, 1986. However, this decision should be issued as an interim final decision so that interested parties have an opportunity to file exceptions to the changes in the orders adopted with this decision.

The hearing notice states that evidence would be taken to determine whether conditions exist that would warrant omission of a recommended decision under the rules of practice and procedure. Much of the testimony at the hearing on the need to omit a recommended decision centered on the view that the Department should have in place by May 1, 1986 amendments to the location adjustment provisions of the 35 Federal orders to reflect changes in the Class I differentials mandated by the Food Security Act of 1985, effective on May 1, 1986.

In their briefs, DI and Beatrice Foods supported the omission of a recommended decision. NFO opposed the omission of a recommended decision. Five proprietary plant operators and three Florida cooperatives expressed no position in their briefs on the omission of a recommended decision. Counsel for several proprietary plant operators requested that an interim final decision be issued covering location adjustments for the Murfreesboro, Tennessee, plant and possibly the plant at London, Kentucky. For all other issues, Counsel requested additional briefing time and suggested that a recommended decision be issued covering such issues.

The complexity of the issues and the diversity of opinion regarding the proposals under consideration warrant the issuance of an interim final decision. This procedure will provide interested parties an opportunity to file exceptions to this interim final decision and, thereby, assist the Department in tailoring amendments so that the value of producer milk under each of the 11 orders at various plant locations will be aligned on an intra-market and inter-market basis to reflect changes in the Class I differentials mandated by the Food Security Act of 1985, effective on May 1, 1986.

Rulings on Proposed Findings and Conclusions

Briefs and proposed findings and conclusions were filed on behalf of certain interested parties. These briefs, proposed findings and conclusions and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions filed by interested parties are inconsistent with the findings and conclusions set forth herein, the requests to make such findings or reach such conclusions are denied for the reasons previously stated in this decision.

A written statement by the Honorable H.L. Callahan, United States Congressman, First District of Alabama, was submitted at the hearing by Dairy Fresh. An additional copy of the statement, the letter transmitting such copy to the Department, and the Department's response thereto were filed with the Hearing Clerk and made a part of the record. The statement set forth several concerns regarding the level of Class I pricing proposed by Dairy Fresh, Inc., for portions of the marketing areas of Federal Orders No. 93, 94 and 96. As indicated in the Department's response, the Congressman's statement was made part of the record to be considered in this proceeding.

A request was made by Counsel in briefs filed on behalf of several proprietary plants that the Secretary in reviewing the record for substantial record evidence should also make findings on "the basis of relevant evidence which was withheld by DI or was presented in only general form when specific data would be more probative." The Department's rules of procedure (7 CFR 900.9(b)) provide that in the filing of briefs, proposed findings and conclusions "factual material other than that adduced at the hearing or subject to official notice shall not be

alluded to therein, and, in any case, shall not be considered in the formulation of the marketing agreement or marketing order." Obviously, evidence that is withheld or specific data that is not presented at a hearing is outside the scope of this proceeding. Accordingly, the request must be denied.

In its brief, Dairy Fresh renewed an exception to the ruling of the Administrative Law Judge, upon objection by DI, excluding cross-examination of Mr. Jung (the principal witness for DI) by Counsel for Dairy Fresh on Sunbelt's premium or over-order pricing. If cross-examination had been permitted, Counsel believed it would have shown that "differences in effective prices between various locations do not correspond with greater differences DI has proposed and therefore undermines the economic rationale for DI's proposals."

Later witnesses testified at the hearing regarding the level of over-order prices. Dairy Fresh's representative revealed that between certain locations there was a direct correlation between over-order prices and DI's proposed prices. The locations noted by the Dairy Fresh witness were Hattiesburg and Jackson, Hattiesburg and New Orleans, and Hattiesburg and Kentwood. Another witness testified that the over-order price was the same in Georgia and South Carolina and the effective price was the same in Macon and Waycross, Georgia. This witness pointed out that DI now asserts a new price relationship should be established between such locations.

With regard to Dairy Fresh's request for a finding that "effective negotiated prices in differences now established under the Federal Orders and do not correspond with differences proposed by DI to be adopted by regulation", such finding would be in conflict with Dairy Fresh's testimony as noted in the immediately preceding paragraph. In any event, the degree of correlation between over-order prices at various market locations and the location adjustments proposed by DI was not a controlling factor in the adjustments adopted herein.

General Findings

The findings and determinations hereinafter set forth supplement those that were made when the aforesaid orders were first issued and when they were amended. The previous findings and determinations are hereby ratified and confirmed, except where they may conflict with those set forth herein.

(a) The interim marketing agreements and the orders, as hereby proposed to be amended, and all of the terms and

conditions thereof, will tend to effectuate the declared policy of the Act as amended by the Food Security Act of 1985;

(b) The interim marketing agreements and the orders, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in, marketing agreements upon which a hearing has been held; and

(c) The parity prices of milk as determined pursuant to section 2 of the Act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the aforesaid marketing areas, and the minimum prices specified in the interim marketing agreements and the orders, as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk; and be in the public interest.

Interim Marketing Agreement and Interim Order Amending the Orders

Annexed hereto and made part hereof are two documents, as Interim Marketing Agreement regulating the handling of milk and an Interim Order amending the orders regulating the handling of milk in the aforesaid marketing areas, which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions.

It is hereby ordered that this entire decision and the two documents annexed hereto be published in the Federal Register.

Determination of Producer Approval and Representative Period

November 1985 is hereby determined to be the representative period for the purpose of ascertaining whether the issuance of the interim orders, as amended and as hereby proposed to be amended by interim orders, regulating the handling of milk in the aforesaid marketing areas, except the Louisville-Lexington-Evansville marketing area, is approved or favored by producers, as defined under the terms of the orders as amended and as hereby proposed to be amended, who during such representative period were engaged in the production of milk for sale within the aforesaid marketing areas.

Referendum Order To Determine Producer Approval; Determination of Representative Period; and Designation of Referendum Agent

It is hereby directed that a referendum be conducted and completed on or before the 20th day from the date this decision is issued, in accordance with the procedure for the conduct of referenda (7 CFR 900.300-311), to determine whether the issuance of the order as amended and as hereby proposed to be amended by an interim order, regulating the handling of milk in the Louisville-Lexington-Evansville marketing area is approved or favored by producers, as defined under the terms of the order as amended and as hereby proposed to be amended, who during the representative period were engaged in the production of milk for sale within the marketing area.

The representative period for the conduct of such referendum is hereby determined to be November 1985.

The agent of the Secretary to conduct such referendum is hereby designated to be Arnold M. Stallings.

List of Subjects in 7 CFR Parts 1006, 1007, 1011, 1012, 1013, 1046, 1093, 1094, 1096, 1098 and 1099

Milk marketing orders, Milk, Dairy products.

Signed at Washington, D.C., on May 28, 1986.

Karen K. Darling,

Deputy Assistant Secretary, Marketing and Inspection Services.

Interim Order¹ amending the orders, regulating the handling of milk in certain specified marketing areas

Findings and Determinations

The findings and determinations hereinafter set forth supplement those that were made when the orders were first issued and when they were amended. The previous findings and determinations are hereby ratified and confirmed, except where they may conflict with those set forth herein.

(a) *Findings.* A public hearing was held upon certain proposed amendments to the tentative marketing agreements and to the orders regulating the handling of milk in the aforesaid marketing areas. The hearing was held pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 *et seq.*), and the applicable

¹ This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

rules of practice and procedure (7 CFR Part 900).

Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said orders as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing areas; and the minimum prices specified in the order as hereby amended are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said orders as hereby amended regulate the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, marketing agreements upon which a hearing has been held.

Order relative to handling. It is therefore ordered that on and after the effective date hereof, the handling of milk in each of the specified marketing areas shall be in conformity to and in compliance with the terms and conditions of the order, as amended, and as hereby amended, as follows:

The authority citation for Parts 1006, 1007, 1011, 1012, 1013, 1046, 1093, 1094, 1096, 1098 and 1099 continues to read as follows:

Authority: Secs. 1-19, 48 Stat. 31, as amended (7 U.S.C. 601-674).

PART 1006—MILK IN THE UPPER FLORIDA MARKETING AREA

1. In § 1006.52, the table contained in paragraph (a) is revised to read as follows:

§ 1006.52 Plant location adjustments for handlers.

(a) * * *

Location of plant	Rate per cwt.
Outside the State of Florida:	
In excess of 70 but not more than 85 miles.	Subtract 15 cents.
For each additional 10 miles or fraction thereof	Subtract 2.0 cents.
Inside the State of Florida:	
South of a line forming the southern boundary of the counties of Alachua, Dixie, Gilchrist, Putnam and St. Johns, but outside the defined marketing area of Part 1013.	Add 30 cents.
In the defined marketing area of Part 1013.	Add 60 cents.
The remaining area within the State of Florida.	No adjustment.

PART 1007—MILK IN THE GEORGIA MARKETING AREA

1. In § 1007.52, paragraphs (a) and (b) are revised to read as follows:

§ 1007.52 Plant location adjustments for handlers.

(a) The following zones are defined for the purposes of determining location adjustments:

(1) "Northern Zone" means all the territory in the following Georgia counties:

Bartow, Cherokee, Dawson, Floyd, Forsyth, Gilmer, Gordon, Habersham, Hall, Lumpkin, Pickens, Towns, Union, and White.

(2) "North Central Zone" means all the territory in the following Georgia counties:

Banks, Barrow, Butts, Carroll, Clarke, Clayton, Cobb, Coweta, DeKalb, Douglas, Elbert, Fayette, Franklin, Fulton, Greene, Gwinnett, Haralson, Hart, Heard, Henry, Jackson, Jasper, Lamar, Lincoln, Madison, Meriwether, Morgan, Newton, Oconee, Oglethorpe, Paulding, Pike, Polk, Putnam, Rockdale, Spalding, Stephens, Taliferro, Troup, Walton, and Wilkes.

(3) "South Central Zone" means all the territory in the following Georgia counties:

Baldwin, Bibb, Bleckley, Burke, Chattahoochee, Columbia, Crawford, Crisp, Dodge, Dooly, Emanuel, Glascock, Hancock, Harris, Houston, Jefferson, Jenkins, Johnson, Jones, Laurens, Macon, Marion, McDuffie, Monroe, Muscogee, Peach, Pulaski, Richmond, Schley, Stewart, Sumter, Talbot, Taylor, Treutlen, Twiggs, Upson, Warren, Washington, Webster, Wilcox, and Wilkinson.

(4) "Southern Zone" means all the territory within the marketing area not specified in subparagraphs (1), (2), or (3) of this paragraph.

(b) The Class I price for producer milk at a plant located outside the North Central Zone shall be adjusted as follows:

(1) For producer milk at a plant located in the "Northern Zone" the Class I price shall be reduced by 15 cents;

(2) For producer milk at a plant located in the "South Central Zone" the Class I price shall be increased by 10 cents;

(3) For producer milk at a plant located in the "Southern Zone" the Class I price shall be increased by 30 cents;

(4) For producer milk at a plant located in the State of North Carolina

the Class I price shall be decreased by 11 cents;

(5) For producer milk at a plant located in the Tennessee Valley marketing area the Class I price shall be decreased by 31 cents;

(6) For producer milk at a plant located outside the marketing area and outside the Tennessee Valley marketing area and south of the southern boundary of the States of Tennessee and North Carolina the Class I price shall be the Class I price applicable at the nearer of the city halls in Augusta, Savannah, Lavonia, Waycross, Albany, Columbus, Atlanta, and Rome, Georgia; and

(7) For producer milk at a plant located outside the areas specified in subparagraph (1), (2), (3), (4), (5) or (6) of this paragraph the Class I price shall be reduced 20 cents and an additional 2.5 cents for each 10 miles or fraction thereof in excess of 110 miles (by the shortest hard-surfaced highway distance as determined by the market administrator) that such plant is from the city hall in Atlanta, Georgia.

2. In § 1007.61, paragraph (a)(3) is revised to read as follows:

§ 1007.61 Computation of uniform price (including weighted average price and uniform prices for base and excess milk).

(a) * * *

(3) Add an amount equal to the total value of the minus adjustments and subtract an amount equal to the total value of the plus adjustments computed pursuant to § 1007.75;

* * * * *

3. In § 1007.75, paragraph (a) is revised to read as follows:

§ 1007.75 Plant location adjustments for producers and on nonpool milk.

(a) The uniform price and the uniform price for base milk shall be adjusted according to the location of the plant at which the milk is physically received at the rates set forth in § 1007.52(b); and

* * * * *

PART 1011—MILK IN THE TENNESSEE VALLEY MARKETING AREA

1. In § 1011.52, paragraph (a) is revised to read as follows:

§ 1011.52 Plant location adjustments for handlers.

(a) For milk received from producers or from a handler described in § 1011.9(c) or (d) at a plant and which is classified as Class I milk subject to the limitations pursuant to paragraph (b) of this section, the Class I price shall be adjusted as follows:

(1) For such milk which is physically received at a plant located within the State of North Carolina, or a plant located outside the Georgia counties in the marketing area and south of the southern boundary of the States of North Carolina and Tennessee, the Class I price shall be increased by 20 cents;

(2) No adjustment shall be applicable on such milk which is physically received at a plant located within the marketing area except the Kentucky portion of the marketing area, or in the State of Virginia;

(3) For such milk which is physically received at a plant located within the Kentucky counties of Bell, Breathitt, Clay, Harlan, Knott, Knox, Laurel, Leslie, Letcher, McCreary, Perry, Pulaski, and Whitley, the Class I price shall be decreased by 32 cents; and

(4) For such milk which is physically received at a plant located more than 90 miles by the shortest hard-surfaced highway distance as determined by the market administrator from the nearest of the city halls of Bristol, Chattanooga, and Knoxville, Tennessee, and outside the areas specified in subparagraph (1), (2), or (3) of this paragraph, the Class I price applicable at the nearer of the city halls in Bristol, Chattanooga, or Knoxville, Tennessee shall be reduced by 2.5 cents for each 10 miles or fraction thereof that such plant is from the nearest of the city halls in Bristol, Chattanooga, and Knoxville, Tennessee.

PART 1012—MILK IN THE TAMPA BAY MARKETING AREA

1. In § 1012.52, the table contained in paragraph (a) is revised to read as follows:

§ 1012.52 Plant location adjustments for handlers.

(a) * * *

Location of plant	Rate per cwt.
Outside the State of Florida: For each 10 miles or fraction thereof from the city hall in Tampa, Fla.	Subtract 2.0 cents.
Inside the State of Florida: In the defined marketing area of Part 1013.	Add 30 cents.
South of a line forming the southern boundary of the counties of Alachua, Dixie, Gilchrist, Putnam and St. Johns, but outside the defined marketing area of Part 1013.	No adjustment.
The remaining area within the State of Florida.	Minus 30 cents.

PART 1013—MILK IN THE SOUTHEASTERN FLORIDA MARKETING AREA

1. In § 1013.52, the table contained in paragraph (a) is revised to read as follows:

§ 1013.52 Plant location adjustments for handlers.

(a) * * *

Location of plant	Rate per cwt.
Outside the State of Florida: For each 10 miles or fraction thereof from the U.S. Post Office in West Palm Beach, Fla.	Subtract 2.0 cents.
Inside the State of Florida: South of a line forming the southern boundary of the counties of Alachua, Dixie, Gilchrist, Putnam and St. Johns, but outside the defined marketing area of this order.	Subtract 30 cents.
The remaining area within the State of Florida.	Subtract 60 cents.

* * * * *

PART 1046—MILK IN THE LOUISVILLE-LEXINGTON-EVANSVILLE MARKETING AREA

1. In § 1046.52, paragraph (a) is revised to read as follows:

§ 1046.52 Plant location adjustments for handlers.

(a) For milk received from producers or from a handler described in § 1046.9(c) at a plant and which is classified as Class I milk subject to the limitations pursuant to paragraph (b) of this section, the Class I price shall be adjusted as follows:

(1) For such milk that is physically received at plants located in the Kentucky counties of Bell, Breathitt, Caldwell, Christian, Clay, Harlan, Hopkins, Knott, Knox, Laurel, Leslie, Letcher, Logan, Lyon, McCreary, Muhlenberg, Perry, Pulaski, Todd, Trigg and Whitley, the Class I price shall be increased by a location adjustment of 15 cents;

(2) For such milk that is physically received at plants located in the Kentucky counties of Ballard, Calloway, Carlisle, Fulton, Graves, Hickman, Livingstone, Marshall and McCracken and the Missouri counties of Mississippi, New Madrid, Pemiscot and Scot, the Class I price shall be increased by a location adjustment of 28 cents;

(3) For such milk that is physically received at plants located east of the Mississippi River and south of the northern boundary of Tennessee or the northern boundary of North Carolina, the Class I price shall be increased by a location adjustment of 41 cents;

(4) For such milk that is physically received at plants located in the marketing area or the state of Kentucky and outside the areas specified in paragraphs (1), (2), or (3) of this section, no location adjustment shall apply; and

(5) For such milk that is physically received at plants located outside the areas specified in paragraph (1), (2), (3), or (4) of this section, and 85 miles or more from the City Halls in Louisville and Lexington, Kentucky, and Evansville, Indiana, by the shortest hard-surfaced highway distance as determined by the market administrator, the Class I price shall be reduced by a location adjustment of 2.5 cents for each 10 miles or fraction thereof that such plant is from the City Hall in Louisville, Lexington or Evansville, whichever is nearest.

* * * * *

PART 1093—MILK IN THE ALABAMA-WEST FLORIDA MARKETING AREA

1. In § 1093.52, the table contained in paragraph (a)(i) is revised to read as follows:

§ 1093.52 Plant location adjustments to handlers.

(a) * * *

(i) * * *

Zone:	Adjustment per hundredweight
1.....	Minus 23 cents.
2.....	No adjustment.
3.....	Plus 27 cents.
4.....	Plus 57 cents.
4a.....	Plus 30 cents.

* * * * *

2. In § 1093.52(a)(2), the provision "20" is revised to read "31".

3. In § 1093.52(a)(3), the provision "45" is revised to read "56".

4. In § 1093.52(a)(4), the provision "20 cents. Such minus adjustment shall be increased 1.5" is revised to read "23 cents. Such minus adjustment shall be increased 2.5".

5. In § 1093.52(a)(6), the provision "55" is revised to read "50".

PART 1094—MILK IN THE NEW ORLEANS-MISSISSIPPI MARKETING AREA

1. In § 1094.2, ZONE 3 and ZONE 4 are revised and zone 2A and zone 3A are added to read as follows:

§ 1094.2 New Orleans-Mississippi marketing area.

* * * * *

Zone 2A**Mississippi Counties**

Amite, Covington, Forrest, Franklin, Greene, Jefferson Davis, Jones, Lamar, Lawrence, Lincoln, Marion, Perry, Pike, Walthal, Wayne, and Wilkinson.

Zone 3**Mississippi Counties**

Adams, Claiborne, Clarke, Copiah, Hinds, Issaquena, Jasper, Jefferson, Kemper, Lauderdale, Leake, Madison, Neshoba, Newton, Rankin, Scott, Sharkey, Simpson, Smith, Warren, and Yazoo.

Zone 3A**Mississippi Counties**

Attala, Holmes, Humphreys, Noxubee, Washington, and Winston.

Zone 4**Mississippi Counties**

Bolivar, Carroll, Choctaw, Leflore, Lowndes, Montgomery, Oktibbeha, Sunflower, and Webster.

2. In § 1094.52(a)(1), the table is revised to read as follows:

§ 1094.52 Plant location adjustment for handlers.

(a) * * *

(1) * * *

Zone:	Adjustment per cwt.
1.....	No adjustment.
2.....	Minus 20 cents.
2A.....	Minus 40 cents.
3.....	Minus 50 cents.
3A.....	Minus 65 cents.
4.....	Minus 75 cents.
5.....	Minus 80 cents.
6.....	Minus 95 cents.

3. In § 1094.52(a)(2)(i), the provision "No adjustment" is revised to read "Minus 7 cents".

4. In § 1094.52(a)(2)(ii), the provision "19" is revised to read "30".

5. In § 1094.52(a)(2)(iii), the provision "38" is revised to read "57".

6. In § 1094.52(a)(3), the provision "65" is revised to read "95".

7. In § 1094.52(a)(5), the provision "1.5" is revised to read "2.5".

PART 1096—MILK IN THE GREATER LOUISIANA MARKETING AREA

1. In § 1096.52, paragraph (a) is revised to read as follows:

§ 1096.52 Plant location adjustments for handlers.

(a) For milk received at a plant from producers or a handler described in § 1096.9(c) and which is classified as Class I milk without movement in bulk form to a pool distributing plant at

which a higher Class I price applies, the price computed pursuant to § 1096.50(a) shall be adjusted by an amount determined pursuant to paragraphs (a) (1) through (5) of this section for the location of such plant:

(1) For a plant located within one of the zones set forth in § 1096.2, the adjustment shall be as follows:

Zone:	Adjustment per hundredweight
I.....	No adjustment.
II.....	Plus 27 cents.
III.....	Plus 50 cents.

(2) For a plant located in any of the following Louisiana parishes, the adjustment shall be as follows:

(i) Plus 57 cents.
Jefferson, Lafourche, Orleans, Plaquemines, St. Bernard, St. Charles, Terrebonne.

(ii) Plus 37 cents.
St. Tammany, Tangipahoa, Washington.

3. For a plant located in any of the following Mississippi counties, the adjustment shall be as follows:

(i) Plus 37 cents.
George, Hancock, Harrison, Jackson, Pearl River, Stone,
(ii) Plus 17 cents.

Amite, Covington, Forrest, Franklin, Greene, Jefferson Davis, Jones, Lamar, Lawrence, Lincoln, Marion, Perry, Walthal, Wayne and Wilkinson.

(iii) Plus 7 cents.
Adams, Claiborne, Clarke, Copiah, Hinds, Issaquena, Jasper, Jefferson, Kemper, Lauderdale, Leake, Madison, Neshoba, Newton, Rankin, Scott, Sharkey, Simpson, Warren and Yazoo.

(4) For a plant located in any of the following Texas counties, the adjustment shall be as follows:

(i) Plus 54 cents.
Chambers, Hardin, Harris, Jefferson, Liberty, Orange.

(ii) Plus 37 cents.
Jasper, Newton, Polk, Tyler.

(iii) No adjustment.
Angelina, Cass, Harrison, Gregg, Marion, Nacogdoches, Panola, Rusk, Sabine, San Augustine, Shelby, Upshur.

(5) For a plant located outside of the areas described in paragraphs (a) (1) through (4) of this section and located more than 50 miles by the shortest hard-surfaced highway distance, as determined by the market administrator, from the nearer of the City Hall in Monroe or Shreveport, Louisiana, the adjustment shall be minus 2.2 cents per hundredweight for each 10 miles or fraction thereof.

PART 1098—MILK IN THE NASHVILLE, TENNESSEE, MARKETING AREA

1. In § 1098.52, paragraph (a) is revised to read as follows:

§ 1098.52 Plant location adjustments for handlers.

(a) For milk received from producers or from a handler described in § 1098.9(c) at a plant and which is classified as Class I milk subject to the limitations pursuant to paragraph (b) of this section, the Class I price shall be adjusted as follows:

(1) For such milk that is physically received at plants located in the Kentucky counties of Bell, Breathitt, Caldwell, Christian, Clay, Harlan, Hopkins, Knott, Knox, Laurel, Leslie, Letcher, Logan, Lyon, McCreary, Muhlenberg, Perry, Pulaski, Todd, Trigg, and Whitley, the Class I price shall be decreased by a location adjustment of 26 cents;

(2) For such milk that is physically received at plants located in the Kentucky counties of Ballard, Calloway, Carlisle, Fulton, Graves, Hickman, Livingstone, Marshall and McCracken and the Missouri counties of Mississippi, New Madrid, Pemiscot and Scott, the Class I price shall be decreased by a location adjustment of 13 cents;

(3) For such milk that is physically received at plants located outside the areas specified in paragraph (1) or (2) of this section and north of the northern boundary of Tennessee or the northern boundary of North Carolina and more than 50 miles from the State Capitol in Nashville by the shortest hard-surfaced highway distance as determined by the market administrator, the Class I price shall be reduced by 17.5 cents plus 2.5 cents for each 10 miles or fraction thereof that such plant is more than 70 miles from the State Capitol; and

(4) For such milk that is physically received at plants located east of the Mississippi River and south of the northern boundary of Tennessee or the northern boundary of North Carolina, no adjustment shall be made under this paragraph.

PART 1099—MILK IN THE PADUCAH, KENTUCKY, MARKETING AREA

1. In § 1099.52, paragraph (a) is revised to read as follows:

§ 1099.52 Plant location adjustments for handlers.

(a) For milk received from producers at a plant located outside the State of Kentucky and north of an east-west line running through the southern boundary

of the State of Kentucky and more than 40 miles by shortest highway distance as measured by the market administrator, from the nearest County Courthouse in any of the counties included in the marketing area and disposed of as Class I milk or assigned Class I location adjustment credit pursuant to paragraph (b) of this section, the price computed pursuant to § 1099.50(a) shall be reduced by 12.5 cents, plus 2.5 cents for each 10 miles or fraction thereof that such distance exceeds 50 miles.

**Tentative Interim Marketing Agreement
Regulating the Handling of Milk in the
Georgia and Certain Other Marketing Areas**

The parties hereto, in order to effectuate the declared policy of the Act, and in accordance with the rules of practice and procedure effective thereunder (7 CFR Part 900), desire to enter into this marketing agreement and do hereby agree that the provisions referred to in paragraph I hereof as augmented by the provisions specified in paragraph II hereof, shall be and are the provisions of this marketing agreement as if set out in full herein.

I. The findings and determinations, order relative to handling, and the provision of §§ 1 to, all inclusive, of the order regulating the handling of milk in the said marketing area (7 CFR PART 900) which is annexed hereto; and

II. The following provisions:
§ 3 *Record of milk handled and authorization to correct typographical errors.* (Seal)

(a) *Record of milk handled.* The undersigned certifies that he handled during the month of November 1985, XXXX hundredweight of milk covered by this marketing agreement.

(b) *Authorization to correct typographical errors.* The undersigned hereby authorizes the Director, or Acting Director, Dairy Division, Agricultural Marketing Service, to correct any typographical errors which may have been made in this marketing agreement.

§ 3 *Effective date.* This marketing agreement shall become effective upon the execution of a counterpart hereof by the Secretary in accordance with Section 900.14(a) of the aforesaid rules of practice and procedure.

IN WITNESS WHEREOF, The contracting handlers, acting under the provisions of the Act, for the purposes and subject to the limitations herein contained and not otherwise, have hereunto set their respective hands and seals.

(Signature)

By _____
(Name) (Title)

(Address)

Attest _____

Date _____

[FR Doc. 86-12370 Filed 6-4-86; 8:45 am]

BILLING CODE 3410-02-M

Farmers Home Administration

7 CFR Part 1951

**Loan and Grant Programs; Servicing
and Collections**

AGENCY: Farmers Home Administration, USDA.

ACTION: Final rule.

SUMMARY: The Farmers Home Administration (FmHA) amends its Community Facilities loan and grant servicing regulations to implement Pub. L. 99-88. This action is being taken to comply with Title I of Pub. L. 99-88 which gives certain FmHA Water and Waste Disposal (WWD) and Community Facility (CF) borrowers a choice of the interest rates on their loans. The law applies to WWD and CF loans closed or approved on or after November 12, 1983. The effect of this rule is to establish the procedures for FmHA to service those loans closed on or after November 12, 1983, in which the borrower requests a change of loan interest rate. This amendment also implements Pub. L. 99-198. Title XIII of Pub. L. 99-198 changes the criteria for determining what interest rate must apply to certain WWD and CF loans. This rule establishes procedures for FmHA to service those loans closed on or after December 23, 1985, and before March 25, 1986, wherein the interest rate in effect at the time of loan closing may be lower due to the provision of Pub. L. 99-198.

DATES: June 5, 1986.

FOR FURTHER INFORMATION CONTACT: Bonnie Justice, Loan Specialist, Community Facilities Division, (202) 382-1490, or William F. Hagy, Loan Specialist, Water and Waste Disposal Division, (202) 382-9636, Farmers Home Administration, USDA, South Building, 14th and Independence Avenue SW., Washington, DC 20250.

SUPPLEMENTARY INFORMATION: This final action has been reviewed under USDA procedures established in Departmental Regulation 1512-1, which implements Executive Order 12291, and has been determined to be "non-major" since the annual effect on the economy is less than \$100 million and there will be no significant increase in cost or price for consumers, individual industries; Federal, State or Local Government agencies; or geographic

regions. Furthermore, there will be no adverse effects on competition, employment, investment, productivity, innovation, or on the ability of the United States-based enterprises to compete with foreign-based enterprises in domestic or export markets. This action is not expected to substantially affect budget outlay or to affect more than one agency or to be controversial. The net result is expected to provide better service to rural communities.

This program/activity is listed in the Catalog of Federal Domestic Assistance under Nos. 10.418 and 10.423 and is subject to the provisions of Executive Order 12372 which requires intergovernmental consultation with State and Local officials. (49 FR 22675, May 31, 1984; 50 FR 14088, April 10, 1985)

This document has been reviewed in accordance with 7 CFR Part 1940, Subpart G, "Environmental Program." It is the determination of FmHA that this action does not constitute a major Federal action significantly affecting the quality of the human environment, and in accordance with the National Environmental Policy Act of 1969, Pub. L. 91-190, an Environmental Impact Statement is not required.

The Office of Management and Budget's (OMB) clearance has been obtained for the reporting and recordkeeping requirement which this rule places on the public. This requirement stems from the borrower's notification, in writing, to FmHA that they request to change the interest rate on their loan(s) in accordance with Pub. L. 99-88 or wish to retain the original interest rate. The OMB approval number is 0575-0066.

This rule implements FmHA's servicing of loans and grants closed on or after November 12, 1983, when the borrower requests a change of interest rate. These loans and grants assist in financing the development costs of community facilities and domestic water and waste disposal systems to rural communities and other associations of farmers, ranchers, rural residents, and other rural users.

Pub. L. 99-88 requires that effective November 12, 1983, and thereafter, upon request of the borrower, the interest rate charged by FmHA to WWD and CF borrowers shall be the lower of the rates in effect at either the time of loan approval or loan closing and any FmHA grant funds associated with such loans shall be set in the amount based on the interest rate in effect at the time of loan approval. Until Pub. L. 99-88, WWD and CF borrowers did not have a choice of the interest rate of their loans. The

¹ First and last sections of order.

² Appropriate part number.

³ Next consecutive section number.

interest rate was established on the date of loan approval and the loan was closed at that rate.

Pub. L. 99-198 requires that the interest rate will not exceed 5 per centum per annum for loans that meet certain other requirements and where the median household income of the persons to be served by such facility is below the higher of 80 per centum of the statewide nonmetropolitan median household income or the poverty line established by the Office of Management and Budget, as revised under section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2)). Pub. L. 99-198 further requires the interest rate not be in excess of 7 per centum per annum on loans for such facilities that do not qualify for the 5 per centum interest rate but are located in areas where the median household income of the persons to be served by the facility does not exceed 100 per centum of the statewide nonmetropolitan median household income. For those WWD and CF borrowers whose loan(s) was closed on or after December 23, 1985, and before March 25, 1986, the loan will be re-evaluated based upon the provisions of Pub. L. 99-198, and if the interest rate at time of loan closing would have been lower based upon the provisions of Pub. L. 99-198, the borrower will have a choice of interest rate, in accordance with Pub. L. 99-88. If the borrower requests the lower rate, FmHA will administratively accomplish the resulting change of interest rate.

FmHA adds a provision to Subpart E of Part 1951 to service loans closed on or after November 12, 1983, to allow borrowers to request that their interest rate be changed and to administratively accomplish the resulting change in interest rate for WWD and CF loans. This action will bring existing FmHA Community Facility servicing regulations into compliance with Pub. L. 99-88 and Pub. L. 99-198.

FmHA amends Subpart E of Part 1951 by adding § 1951.221 to authorize that, upon request of the borrower, FmHA will change the interest rate on a closed WWD or CF loan.

On March 3, 1986, a proposed rule was published in the *Federal Register* (51 FR 7282) for a 30-day review and comment period. Following is a summary of the comments received from the public review process and FmHA's responses.

a. Two comments were received concerning the use of the date of November 12, 1983, for offering borrowers, with loans closed on or after that date, a choice of interest rate of the lower of the rates in effect at either the

time of loan approval or loan closing. Commentors felt that the provision should be effective October 1, 1983, or October 1, 1981, and the law should be changed accordingly. The date of November 12, 1983, remains in the final rule because this is the date set forth in Pub. L. 99-88 and unless legislation amends this date, FmHA has no authority to use another date.

b. One comment was received suggesting that there must be a legally binding instrument to evidence the change in interest rate and the instrument should be affixed to the bond. When FmHA administratively changes the interest rate for a loan, a copy of the borrower's letter to FmHA, signed by a duly authorized official requesting the interest rate change, will be attached to the debt instrument. The borrower is responsible to assure that the borrower official executing the letter is duly authorized and any action(s) necessary for this authorization has been taken as required. Any costs associated with a change in interest rate will be the responsibility of the borrower. FmHA has added a provision to § 1951.211(b) to clarify this borrower responsibility. FmHA has determined that no change to the debt instrument is necessary to accomplish the change of interest rate.

c. One comment was received suggesting that formal action should be taken so that the borrower will be assured that the lower interest change would be continued and suggested that the borrower adopt an amending ordinance modifying the interest rate and stamp a brief legend on the face of each bond so that any potential subsequent bondholder will be apprised of the reduced rate should FmHA sell the bonds at a future date. FmHA has determined that attaching the borrower's request, signed by an authorized borrower official, for an interest rate change to the bond instrument is sufficient to proceed with the administrative change of interest rate and would notify any interested third party of the change. The borrower is responsible to assure that any action(s) necessary for this authorization has been taken as required.

d. Several comments were received concerning FmHA administratively changing the interest rate but not reducing the loan installment payments for amortized accounts. One commentor stated that if FmHA can administratively change the interest rate in a borrower's account, the installment schedule could also be changed. Several commentors indicated that not reducing the payment installment amounts for

amortized accounts penalizes those borrowers; that even though the loan is repaid earlier by not reducing the installment amount, lower payments are needed to reduce user rates so that present users could benefit from the lower interest rate through reduced user rates, rather than future users benefiting after the loan is repaid. Loan installment schedules are specifically set forth in debt instruments for loans with amortized accounts, therefore FmHA cannot administratively change that installment schedule. A new or amended debt instrument would be necessary and would, in most instances, result in costs to the borrower. FmHA determines, at the time of loan approval, that a project is economically feasible and the user rates are reasonable compared to other similar systems in the project area. A provision is included in § 1951.207 (f) of this Subpart for reamortization of a loan account if a borrower needs a reduced installment to provide for a sound operation.

e. Several commentors indicated that loan reamortization is expensive due to legal costs associated with a new or replacement debt instrument. FmHA has determined that changing the interest rate administratively will not place this burden of expense upon the borrowers.

FmHA has made changes to § 1951.221 (a) to implement Pub. L. 99-198 for loans closed on or after December 23, 1985 and before March 25, 1986, and added an Exhibit E, "Interest Rate Requirements and Effective Dates" for use by FmHA personnel to determine loan closing interest rates. This Exhibit will be available to the public, upon request, at any FmHA office. FmHA also changed § 1951.221 (b)(2) to clarify the requirement for the borrower response to FmHA within a 90 calendar day period. In addition, § 1951.250 is added to show OMB control number.

List of Subjects in 7 CFR Part 1951

Account servicing, Grant programs—Housing and community development, Loan programs—Housing and community development, Reporting requirements, Rural areas.

Therefore, Chapter XVIII, Title 7, Code of Federal Regulations is amended as follows:

PART 1951—SERVICING AND COLLECTIONS

1. The authority citation for Part 1951 continues to read as follows:

Authority: 7 USC 1989; 42 USC 1480; 5 USC 301; 7 CFR 2.23; 7 CFR 2.70

Subpart E—Servicing of Community Program Loans and Grants

2. Section 1951.221 is added and reads as follows:

§ 1951.221 Special provision for interest rate change.

(a) *General.* Pub. L. 99-88 provides that effective November 12, 1983, and thereafter, upon request of the borrower, the interest rate charged by FmHA to water and waste disposal and community facility borrowers shall be the lower of the rates in effect at either the time of loan approval or loan closing and any FmHA grant funds associated with such loans shall be set in the amount based on the interest rate in effect at the time of loan approval. Loans closed November 12, 1983, through October 25, 1985, were closed at the interest rate in effect at the time of loan approval and that interest rate is reflected in the borrower's debt instrument. For community facility and water and waste disposal loans closed on or after November 12, 1983, and for which the interest rate in effect at the time of loan closing is lower than the interest rate in effect at the time of loan approval, the borrower may request to be charged the lower interest rate. The loan closing interest rate will be determined by FmHA based upon interest rate requirements in effect at the date of loan closing. Exhibit E of this subpart (available in any FmHA office) contains a summary of the interest rate requirements for specific time periods. Exhibit C, of Subpart O of this part will be used to determine the interest rate and effective dates by category of poverty, intermediate and market rates. Loans closed on or after December 23, 1985, and before March 25, 1986, wherein a borrower has received a choice of interest rate under the provisions of Pub. L. 99-88, shall be re-evaluated, utilizing Exhibit E and the changes in qualifying income levels provided in Pub. L. 99-198. If the re-evaluation results in a loan closing interest rate lower than that previously offered the borrower, the borrower will be provided a second choice of interest rate. This second choice of interest rate will be in accordance with this section. Loans meeting the criteria of this section that have been paid in full are eligible for the borrower to request the lower interest rate. For loan(s) that involved multiple advances of FmHA funds using temporary debt instruments, wherein the borrower requests the interest rate in effect at loan closing, the interest rate charged shall be the rate in effect on the date when the first temporary debt instrument was issued.

(b) *Notification to borrower and borrower selection of interest rate.* (1) FmHA servicing officials will notify each borrower meeting the provisions of this section of the availability of a choice of interest rate. The notification will be made in writing at the earliest possible date and sent by certified mail, return receipt requested. Borrowers will be advised at the time of notification that if a change of interest rate is requested, the change will be accomplished administratively by FmHA. The effect of the change on the loan account will also be fully explained to the borrower.

(2) Borrowers should notify FmHA within 90 calendar days of the date of FmHA notification indicating the borrower's election to retain the interest rate in effect at loan approval or to change the interest rate to the rate in effect at the time of loan closing. If the borrower does not respond within the 90 day period, FmHA will not consider a borrower's future request for a lower interest rate under the provisions of this subpart.

(3) The borrower is responsible to assure that the borrower official executing the letter requesting the change of interest rate is duly authorized and any action(s) necessary for this authorization have been taken as required. Any costs associated with a change of interest rate will be the responsibility of the borrower.

(c) *Processing loan interest rate change.* The State Director is authorized to approve loan interest changes which meet the requirements of this section. Loan interest rate changes will be accomplished as follows:

(1) All loan payments already made to the loan account(s) will be reversed and reapplied, by FmHA, utilizing the changed interest rate. The balance of loan payments after the completion of the reversal and reapplication procedures will be applied to any delinquency on the account and the balance applied to principal.

(2) For paid-in-full accounts which meet the criteria of § 1951.221(a) of this subpart, the balance of loan payments after completion of the reversal and reapplication procedures will be returned to the paid-in-full borrower as a refund unless the borrower is delinquent on another FmHA loan of the same type, in which case the refund will be applied first to the delinquent account and any balance refunded to the borrower.

(3) The Finance Office will administratively change the interest rate on a borrower's account in accordance with the notification from the FmHA

servicing official. The installment schedule as set forth in each borrower's debt instrument will not change. The original principal schedule for principal-plus-interest accounts where principal *only* is stipulated will continue to be used for payment calculated by the Finance Office. Amortized accounts will adhere to the original payment schedule and amount.

(4) A borrower with an amortized account, who has requested a change of interest in accordance with this subpart and FmHA has accomplished this change by an administrative adjustment to the loan account, yet a reduction in installment amounts is needed to provide for a sound operation, may request FmHA to consider a reamortization of the account in accordance with § 1951.207(f) of this subpart.

3. Section 1951.250 is added and reads as follows:

§ 1951.250 OMB control number.

Collection of information requirements contained in this subpart have been approved by the Office of Management and Budget and have been assigned OMB control number 0575-0066.

Dated: May 9, 1986.

Vance L. Clark,
Administrator, Farmers Home
Administration.

[FR Doc. 86-12649 Filed 6-4-86; 8:45 am]
BILLING CODE 3410-07-M

DEPARTMENT OF COMMERCE

International Trade Administration

15 CFR Parts 385 and 399

[Docket No. 60479-6079]

Foreign Policy Controls; Export of Certain Chemicals to Syria

AGENCY: Office of Technology and Policy Analysis Export Administration, Commerce.

ACTION: Final rule.

SUMMARY: The Department of Commerce, in consultation with the Department of State, is imposing foreign policy controls on the export to Syria of certain chemicals:

Potassium fluoride
Dimethyl methylphosphonate
Methyl phosphonyl difluoride
Thiodiglycol
Dimethylamine
Phosphorus oxychloride
Dimethylamine hydrochloride

Ethylene chlorohydrin (chloroethanol).

A validated license is now required to export any of these chemicals to Syria. This rule is in accordance with U.S. foreign policy, particularly the U.S. policy of opposing the prohibited use of chemical weapons and possible diversion of chemicals for prohibited use, maintaining neutrality in the Iran/Iraq war, and promoting a mediated end to that war.

This rule is issued in consultation with the Department of State and in compliance with all requirements and conditions in Section 6 of the Export Administration Act of 1979, as amended. The report required by section 6 of the Export Administration Act was submitted to the Congress on April 28, 1986.

EFFECTIVE DATE: June 5, 1986.

FOR FURTHER INFORMATION CONTACT: David Schlechty, Country Policy, Export Administration, Telephone: (202) 377-4252.

SUPPLEMENTARY INFORMATION: 1. Because this rule concerns a foreign affairs function of the United States, it is not a rule or regulation within the meaning of section 1(a) of Executive Order 12291, and it is not subject to the requirements of that Order. Accordingly, no preliminary or final Regulatory Impact Analysis has to be or will be prepared.

2. This rule contains a collection of information requirement under the Paperwork Reduction Act of 1980, 44 U.S.C. 3501 *et seq.* Applicants for the validated export license required by this rule must complete and submit Form ITA-622P. This collection of information requirement has been approved by the Office of Management and Budget under control number 0625-0001.

3. Section 13(a) of the Export Administration Act of 1979, as amended (50 U.S.C. App. 2412(a)), exempts this rule from all requirements of section 553 of the Administrative Procedure Act (APA) (5 U.S.C. 553), including those requiring publication of a notice of proposed rulemaking, an opportunity for public comment, and a delay in effective date. This rule is also exempt from these APA requirements because it involves a foreign and military affairs function of the United States. Further, no other law requires that a notice of proposed rulemaking and opportunity for public comment be given for this rule. Accordingly, it is being issued in final form. However, as with other Department of Commerce rules, comments from the public are always welcome. Comments should be submitted to Betty Ferrell, Office of Technology and Policy Analysis, Export

Administration, U.S. Department of Commerce, P.O. Box 273, Washington, DC 20044.

4. Because a notice of proposed rulemaking and an opportunity for public comment are not required to be given for this rule by section 553 of the Administrative Procedure Act (5 U.S.C. 553) or by any other law, under sections 603(a) and 604(a) of the Regulatory Flexibility Act (5 U.S.C. 603(a) and § 604(a)) no initial or final Regulatory Flexibility Analysis has to be or will be prepared.

List of Subjects

15 CFR Part 385

Communist countries, exports.

15 CFR Part 399:

Exports.

PART 385—[AMENDED]

Accordingly, the Export Administration Regulations (15 CFR Part 385-399) are amended as follows:

1. The authority citation for Parts 385 is revised to read as follows:

Authority: Pub. L. 96-72, 93 Stat. 503, 50 U.S.C. App. 2401 *et seq.*, as amended by Pub. L. 97-145 of December 29, 1981 and by Pub. L. 99-64 of July 12, 1985; E.O. 12525 of July 12, 1985 (50 FR 28757, July 16, 1985; Pub. L. 95-223, 50 U.S.C. 1701 *et seq.*, E.O. 12532 of September 9, 1985 (50 FR 36861, September 10, 1985).

§ 385.4 [Amended]

2. Paragraph (e) of § 385.4 is amended as follows:

In the first sentence, the phrase "to Iran and Iraq" is revised to read "to Iran, Iraq and Syria";

After the third sentence, a new sentence is inserted, reading: "However, applications for Syria will be approved when the export is in performance of a contract or agreement entered into before April 28, 1986."; and

In the last sentence, the phrase "to Iran or Iraq" is revised to read "to Iran, Iraq or Syria".

PART 399—[AMENDED]

3. The authority citation for Part 399 continues to read as follows:

Authority: Pub. L. 96-72, 93 Stat. 503, 50 U.S.C. App. 2401 *et seq.*, as amended by Pub. L. 97-145 of December 29, 1981 and by Pub. L. 99-64 of July 12, 1985; E.O. 12525 of July 12, 1985 (50 FR 28757, July 16, 1985; Pub. L. 95-223, 50 U.S.C. 1701 *et seq.*; E.O. 12532 of September 9, 1985 (50 FR 36861, September 10, 1985).

§ 399.1 [Amended]

4. In Supplement No. 1 to § 399.1 (the Commodity Control List), Commodity Group 7 (Chemicals, Metalloids,

Petroleum Products and Related Materials), the following amendments are made:

The phrase "to Iran and Iraq" is revised to read "to Iran, Iraq and Syria" in the *Validated License Required* paragraph of ECCN 5799D;

The phrase "to Iraq and Iran" is revised to read "to Iran, Iraq and Syria" in the *Reason for Control* paragraph of ECCN 5799D; and

The phrase "to Iran and Iraq" is revised to read "to Iran, Iraq and Syria" in the *Validated License Required* paragraph of ECCN 6799C.

Dated: May 30, 1986.

Walter J. Olson,

Deputy Assistant Secretary for Export Administration.

[FR Doc. 86-12669 Filed 6-4-86; 8:45 am]

BILLING CODE 3510-DT-M

15 CFR Parts 385 and 399

[Docket No. 60476-6076]

Exports of Helicopters; Expansion of Foreign Policy Controls

AGENCY: Export Administration, Commerce.

ACTION: Final rule.

SUMMARY: Export Administration maintains foreign policy controls on exports of certain items to countries that have repeatedly provided support for acts of international terrorism. These countries are Cuba, Iran, Libya, People's Democratic Republic of Yemen, and Syria. Items controlled include crime control and detection equipment, military vehicles and items specially designed to produce certain military equipment, and other commodities specified in Part 385 of the Export Administration Regulations. This rule subjects all helicopters, regardless of weight, to antiterrorism controls if destined for any of the above mentioned countries.

This rule is issued in consultation with the Department of State and in compliance with all requirements and conditions contained in Section 6 of the Export Administration Act of 1979, as amended.

EFFECTIVE DATE: June 5, 1986.

FOR FURTHER INFORMATION CONTACT: David Schlechty, Country Policy, Export Administration, Telephone: (202) 377-4252.

SUPPLEMENTARY INFORMATION:

Rulemaking Requirements

1. Because this rule concerns a foreign and military affairs function of the

United States, it is not a rule or regulation within the meaning of section 1(a) of Executive Order 12291, and it is not subject to the requirements of that Order. Accordingly, no preliminary or final Regulatory Impact Analysis has to be or will be prepared.

2. Section 13(a) of the Export Administration Act of 1979, as amended (50 U.S.C. App. 2412(a)), exempts this rule from all requirements of section 553 of the Administrative Procedure Act (APA) (5 U.S.C. 553), including those requiring publication of a notice of proposed rulemaking, an opportunity for public comment, and a delay in effective date. This rule is also exempt from these APA requirements because it involves a foreign and military affairs function of the United States. Further, no other law requires that a notice of proposed rulemaking and an opportunity for public comment be given for this rule. Accordingly, it is being issued in final form. However, like other Department of Commerce rules, comments from the public are always welcome. Comments should be submitted to Betty Ferrell, Office of Technology and Policy Analysis, Export Administration, U.S. Department of Commerce, P.O. Box 273, Washington, DC 20044.

3. Because a notice of proposed rulemaking and an opportunity for public comment are not required to be given for this rule by section 553 of the Administrative Procedure Act (5 U.S.C. 553) or by any other law under sections 603(a) and 604(a) of the Regulatory Flexibility Act (5 U.S.C. 603(a) and 604(a)) no initial or final Regulatory Flexibility Analysis has to be or will be prepared.

4. This rule does not contain a collection of information subject to the requirements of the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 *et seq.*).

List of Subjects

15 CFR Part 385

Communist countries, Exports.

15 CFR Part 399

Exports, Reporting and recordkeeping requirements.

PARTS 385 AND 399—[AMENDED]

Accordingly, Parts 385 and 399 of the Export Administration Regulations (15 CFR Parts 368–399) are amended as follows:

1. The authority citation for Parts 385 and 399 continues to read as follows:

Authority: Pub. L. 96–72, 93 Stat. 503, 50 U.S.C. App. 2401 *et seq.*, as amended by Pub. L. 97–145 of December 29, 1981 and by Pub. L. 99–64 of July 12, 1985; E.O. 12525 of July 12,

1985 (50 FR 28757, July 16, 1985); Pub. L. 95–223, 50 U.S.C. 1701 *et seq.*, E.O. 12532 of September 9, 1985 (50 FR 36861, September 10, 1985).

§ 385.4 [Amended]

2. Section 385.4(d)(2) is amended by removing from the first sentence the words "over 10,000 pounds empty weight" and by inserting a second-to-last sentence in (d)(2), reading "Licenses and authorizations for helicopters 10,000 pounds empty weight or less will be approved when the export is in performance of a contract or agreement entered into before April 28, 1986, but subject to applicable national security or other applicable controls."

§ 399.1 [Amended]

3. In Supplement No. 1 to § 399.1 (the Commodity Control List), Commodity Group 4 (Transportation Equipment), ECCN 1460A is amended by removing paragraph "1." under *Special Foreign Policy Controls* and redesignating paragraphs "2." and "3." as "1." and "2." and revising them to read as follows:

1460A Nonmilitary aircraft and helicopters, aero-engines, and aircraft and helicopter equipment.

Special Foreign Policy Controls: 1. For commodities defined in paragraph (a) of the List below, foreign policy controls apply to Libya, Iran, the Republic of South Africa, and Namibia for both aircraft and helicopters regardless of value; and to Syria and the People's Democratic Republic of Yemen for fixed-wing aircraft valued at \$3,000,000 or more and for all helicopters (except aircraft and helicopters for use by regularly scheduled airlines, subject to certain assurances—see § 385.4(d)(2)).

2. For commodities defined in paragraphs (b), (c), and (d) of the List below, foreign policy controls apply only to Libya and Iran.

4. In Supplement No. 1 to § 399.1 (the Commodity Control List), Commodity Group 4 (Transportation Equipment), ECCN 5460F is amended by adding the words "and all other helicopters" to the end of the heading and by adding the words "and helicopters" after the phrase "\$3,000,000 each or more" in the *Special Foreign Policy Controls* paragraph.

5. In Supplement No. 1 to § 399.1 (the Commodity Control List), Commodity Group 4 (Transportation Equipment), ECCN 6460F is amended by removing the words "and helicopters" from the heading and from the List of Aircraft and Helicopters Controlled by ECCN 6460F; by removing the comma and the word "helicopters" after the word "aircraft" in the *Unit* paragraph; by

removing the words "(including helicopters)" from the *Special Foreign Policy Controls* paragraph; and by removing the words "helicopters and" from paragraph (b) under the List of Aircraft and Helicopters Controlled by ECCN 6460F.

Dated: May 30, 1986.

Walter J. Olson,

Deputy Assistant Secretary for Export Administration.

[FR Doc. 86–12670 Filed 6–4–86; 8:45 am]

BILLING CODE 3510-DT-M

FEDERAL TRADE COMMISSION

16 CFR Part 13

[Docket 8641]

American Home Products Corporation; Prohibited Trade Practices, and Affirmative Corrective Actions

AGENCY: Federal Trade Commission.

ACTION: Modifying order.

SUMMARY: The Federal Trade Commission has modified a 1970 order with American Home Products Corp. (35 FR 12753) by removing some restrictions on the company's advertising for Preparation H. The modified order allows respondent to use in its advertising any claims that the Food and Drug Administration has tentatively approved.

DATES: Order issued June 9, 1970. Modified Order issued May 22, 1986.

FOR FURTHER INFORMATION CONTACT: Thomas D. Massie, FTC/B-425, Washington, DC 20580. (202) 376-2891.

SUPPLEMENTARY INFORMATION: In the Matter of American Home Products Corporation, the prohibited trade practices and/or corrective actions, as set forth at 35 FR 12753, remain unchanged.

List of Subjects in 16 CFR Part 13

Non-prescription drug products, Trade practices.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45)

Before Federal Trade Commission

[Docket No. 8641]

Order Reopening the Proceeding and Modifying Cease and Desist Order

Commissioners: Daniel Oliver, Chairman, Patricia P. Bailey, Terry Calvani, Mary L. Azcuenaga, Andrew J. Strenio, Jr.

In the Matter of American Home Products Corporation.

On January 21, 1986, American Home Products Corporation (Petitioner) filed a petition pursuant to Rule 2.51 of the Commission's Rules of Practice, 16 CFR 2.51, and Paragraph III of the order in question to reopen the proceeding and modify the final cease and desist order entered against it by the Commission on June 9, 1970, in Docket No. 8641 (77 F.T.C. 726).

The final order in this matter was the product of extended litigation concerning therapeutic advertising claims for Preparation H Ointment or Suppositories. The order effectively proscribes all therapeutic advertising claims for Preparation H Ointment or Suppositories, or any other non-prescription drug product for the treatment or relief of hemorrhoids or any of its symptoms, except for three specifically enumerated claims. The three claims permitted under the order are (1) that the use of the product will help reduce swelling of hemorrhoidal tissue caused by edema, infection, or inflammation; (2) that the use of the product will help reduce swelling of hemorrhoidal tissue by lubricating the affected area; and (3) that use of the product will afford temporary relief of pain and itching of hemorrhoidal tissue in many cases. The order concludes with a proviso (Part III) that if the Food and Drug Administration (FDA) should approve for such products any other claims as permissible in labeling, respondent may petition for a modification of the order on that ground.

Subsequently, the Food and Drug Administration (FDA) undertook a comprehensive review of the safety and effectiveness of over-the-counter (OTC) drug products under the "Drug Amendments of 1962" to the "Federal Food, Drug and Cosmetic Act." As part of this review, the FDA appointed panels of independent experts in medicine and pharmacology to review the available literature and data and evaluate the safety and effectiveness of ingredients used in OTC products. After completing their evaluations the panels reported their findings and conclusions concerning the classes of OTC products evaluated and recommended appropriate labeling claims for each of the classes of OTC products reviewed. The labeling recommendations are incorporated into proposed monographs which, after a three step procedure designed to determine appropriate revisions, if any, will be promulgated as final monographs or rules which will govern the labeling claims of OTC products. One such panel reviewed and evaluated OTC hemorrhoidal (anorectal) drug ingredients. Its findings and

conclusions and recommendations and a proposed monograph for OTC anorectal drugs were published in the Federal Register on May 27, 1980. (45 FR 35575.)

It is this proposed monograph that forms the basis for Petitioner's requested modification. Under this proposed monograph OTC anorectal drug ingredients are classified into several groups on the basis of their pharmacologic action, such as local anesthetics, vasoconstrictors, protectants, and counterirritants. An OTC anorectal drug can be classified as a protectant if, for example, it contains cocoa butter 50 percent or greater per dosage unit or it contains white petrolatum USP 50 percent or greater per dosage unit. An OTC anorectal drug meeting these percentage requirements would be entitled under the proposed monograph to be labeled with certain specific protectant claims.

Petitioner claims that Preparation H Ointment contains 72.8% petrolatum and that Preparation H Suppositories contains 79.5% cocoa butter thereby qualifying those products as protectants under the proposed monograph. As a consequence, Petitioner argues that it should be entitled to make as labeling claims those claims permitted by the FDA under the proposed monograph. However, the Commission's final order prohibits the use of a number of these claims and Petitioner asserts this prohibition places it at a competitive disadvantage with OTC anorectal protectant drug products marketed by others. As a consequence, Petitioner has requested that the final order be modified to allow it to make all advertising claims it is allowed by the proposed monograph to use in its labeling for Preparation H Ointment or Suppositories.

We agree. In prior decisions, we have held that proposed FDA monographs may be relied on as a reasonable basis for performance claims. *AHC Pharmacal, Inc.*, 101 F.T.C. 40, 43 (1983); *Thompson Medical Co., Inc.*, 104 F.T.C. 648, 826 (1984); *Chesebrough-Pond's Inc.*, Docket No. C-602 (November 25, 1985). Such relief is particularly appropriate where, as here, the advertising claims would be dependent on their acceptability as labeling claims. Based on the foregoing, we conclude that Petitioner has made the requisite showing for a reopening of the proceeding and a modification of the order under Rule 2.51 and Paragraph III of the final order. Respondent has asked that Part III of the order be modified to make clear that it may make claims in advertising that the FDA has allowed in labeling.

It is therefore ordered that the proceeding as hereby reopened and that Paragraph III of the final order issued June 9, 1970, in Docket No. 8641 be, and it hereby is modified to read as follows:

"III. This Order is not intended to nor does it prohibit respondent from making any representations for non-prescription drug preparations for the treatment or relief of hemorrhoids or any of their symptoms which the Food and Drug Administration has determined, in the course of its over-the-counter drug review, relate to conditions for which the drug preparation is generally recognized as safe and effective and not misbranded. In the event that respondent at any time in the future markets any non-prescription drug preparation for the treatment or relief of hemorrhoids or any of its symptoms for which it desires to make any of the representations now prohibited under Paragraph I of the order, it may petition the Commission for a modification of the order. Such petition shall be accompanied by a showing that the representation is not false or misleading within the meaning of the Federal Trade Commission Act."

By the Commission. Commissioners Oliver and Strenio did not participate.

Issued: May 22, 1986.

Emily H. Rock,

Secretary.

[FR Doc. 86-12652 Filed 6-4-86; 8:45 am]

BILLING CODE 8750-01-M

RAILROAD RETIREMENT BOARD

20 CFR Part 395

Regulations Under Title VII of the Regional Rail Reorganization Act

AGENCY: Railroad Retirement Board.

ACTION: Final rule.

SUMMARY: The Railroad Retirement Board amends its regulations pertaining to reviews and appeals of initial determinations under the benefit schedules promulgated by the Secretary of Labor pursuant to section 701 of the Regional Rail Reorganization Act. The benefit schedules are administered by the Board.

EFFECTIVE DATE: June 5, 1986.

FOR FURTHER INFORMATION CONTACT: Arthur A. Arfa, Assistant Director of Hearings and Appeals, Railroad Retirement Board, 844 Rush Street, Chicago, Illinois 60611, (312) 751-4793 (FTS 387-4793).

SUPPLEMENTARY INFORMATION: Section 395 of the Board's rules provided for certain time limits during which a claimant who wished to appeal an initial adverse determination might file such an appeal. The regulations were not precise as to when the time period

began to run since they used the phrase, "communicated" to the claimant as the start of the appeal time period. The use of that phrase makes it unclear whether the appeal period starts on the date the notice of the decision is sent to the claimant or when it is received by the claimant. The amendment to the regulation clarifies that the appeal period begins to run from the date the notice is mailed.

The Board has determined that this is not a major rule under Executive Order 12291. Therefore, no regulatory analysis is required. There are no information collections associated with this rule.

A notice of proposed rulemaking was published in the *Federal Register* on February 24, 1986 (51 FR 6422). No comments were received from the public.

List of Subjects in 20 CFR Part 395

Employee benefit plans, Employee protection benefits, Railroad employees, Railroad Retirement.

PART 395—[AMENDED]

Title 20 CFR Part 395 is amended as follows:

1. The authority citation for Part 395 is revised to read:

Authority: 45 U.S.C. 362(1); 45 U.S.C. 797.

§ 395.9 [Amended]

2. Section 395.9 is amended by adding at the end of paragraphs (c)(1) and (d)(1) the following new sentence which reads as follows: Notice shall be deemed to have been communicated to the claimant when it is mailed to the claimant at the latest address furnished by him or her.

Dated: May 28, 1986.

By Authority of the Board.

Beatrice Ezerski,

Secretary to the Board.

[FR Doc. 86-12631 Filed 6-4-86; 8:45 am]

BILLING CODE 7905-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 740

[Docket No. 76N-0486]

Cosmetic Product Warning Statements: Establishment of Effective Date for Label Caution Requirement on Children's Foaming Detergent Bath Products; Response to Comments

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is announcing

that it has completed its reconsideration of 21 CFR 740.17, a regulation that would require that directions for safe use and a caution statement appear on the label of foaming detergent bath products. The agency announced its intention to reconsider this regulation in the *Federal Register* of February 13, 1983 (48 FR 7203). Upon reconsideration, FDA has decided to take the following actions: (1) FDA is denying the petitions of the Cosmetic, Toiletry and Fragrance Association, Inc. (CTFA), and of the Independent Cosmetic Manufacturers and Distributors (ICMD) to revoke the regulation for children's foaming detergent bath products or any such product whose label does not make clear that it is intended for use exclusively by adults. (2) FDA is granting these petitions to revoke the regulation for those products whose labels make clear that they are intended for use exclusively by adults. (3) FDA is establishing a new effective date for the regulation except with respect to those products whose label makes clear that they are intended for use exclusively by adults.

DATES: Effective June 5, 1987. All foaming detergent bath products except those intended for use exclusively by adults that are initially introduced or initially delivered for introduction into interstate commerce on or after June 5, 1987, shall comply with this regulation. FDA is continuing the interim stay of the effective date of 21 CFR 740.17 until June 5, 1987.

FOR FURTHER INFORMATION CONTACT:

Heinz J. Eiermann, Center for Food Safety and Applied Nutrition (HFF-440), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202-245-1530.

SUPPLEMENTARY INFORMATION: In the *Federal Register* of August 19, 1980 (45 FR 55172), FDA published a final regulation (21 CFR 740.17) that requires that labels of foaming detergent bath products bear a prescribed caution statement and provide adequate directions for safe use. The statement cautions that excessive use of, or prolonged exposure to, foaming detergent bath products may cause irritation to the skin and the urinary tract. It urges consumers to discontinue use of such products if rash, redness, or itching occurs and to consult a physician if irritation persists.

Foaming detergent bath products are commonly identified and recognized by consumers as "bubble baths" or "foaming bath oils." These products are also known by other names such as "foaming bath," "milk foam bath," and "foaming bath powder." To avoid any

confusion as to which products are subject to this regulation, FDA has adopted the general term "foaming detergent bath product" for these types of products. FDA has modified § 740.17 to reflect this new terminology.

Section 740.17 was to have gone into effect on August 19, 1981. However, on June 1, 1981, the agency issued a press release announcing its intention to stay this regulation. On February 18, 1983, FDA announced an interim stay of the effective date of the regulation (48 FR 7169).

In addition to issuing the interim stay, FDA proposed to stay the effective date of the regulation while it reconsidered the labeling requirement (48 FR 7203). The agency stated that it was still concerned about the adverse effects of foaming detergent bath products on children when not properly used, but that the petitions of CTFA and ICMD to revoke the labeling requirement had raised issues that merited a full review of the regulation.

In the February 18, 1983 notice of proposed stay, FDA invited interested persons to submit comments, data, or other information on how consumers could be informed of the risks associated with the use of foaming detergent bath products and effectively protected from irritation to the skin and urinary tract that might result from the misuse of these products. The agency asked that comments specifically address the following questions:

1. How may consumers be informed of the risks associated with the use of foaming detergent bath products other than by means of a required label caution statement and directions for safe use?

2. Did the reported adverse reactions associated with foaming detergent bath products marketed for adult use occur predominantly in adults or children?

3. Would a revised regulation applicable only to products intended for use by children provide adequate consumer protection taking into account the possibility of use (or misuse) of adult products as children's products?

4. What costs would be associated with the caution labeling requirements of § 740.17 or the alternatives suggested in comments?

FDA received 17 comments during the comment period on the proposal. Four comments were from consumers, three were from physicians, one was from a consumer organization, two were from cosmetic trade associations, and seven were from cosmetic manufacturers. Six comments were in favor of a caution labeling requirement, one comment recommended that cosmetic foaming

detergent bath products be banned, and 10 comments were against the regulation. None of the comments suggested alternatives to requiring caution labeling, and none responded in a substantive manner to the questions about the risks of foaming detergent bath products to adults or about whether revised regulations would adequately protect children from use of adults' products. Three comments gave estimates of the costs to manufacturers of implementing the caution labeling as required by § 740.17.

FDA has now completed its review of the regulation, as well as of the petitions and of the comments that it received on the proposal to stay the regulation. Based on this review, the agency finds that there is a continuing cognizable risk for children from improper use of foaming detergent bath products. The agency has therefore decided to deny the petitions to revoke the caution labeling regulation except for products whose labels make clear that they are intended for use exclusively by adults.

FDA considers all products not labeled as intended for use exclusively by adults to be intended for use by children. Label statements that would identify products as being intended for use exclusively by adults would include: "Keep out of reach of children" and "For adult use only."

An explanation for the agency's decision on children's foaming detergent bath products, a description of the points made in the petitions and in the comments on the petitions, and the agency's responses to these points follow.

I. The Petitions and Comments Do Not Provide a Basis for Revoking the Rule

A. Need for the Regulation

1. The petitions and a number of the comments (FDA will hereinafter refer to the petitions and the comments on those petitions collectively as "the comments") restated arguments that FDA had discussed in the preamble to the final rule published in the *Federal Register* of August 19, 1980 (45 FR 55172-55173). The comments asserted that the number of injury complaints cited by FDA was not large enough, and that the reported injuries were not serious enough, to demonstrate a hazard warranting a label warning. These comments also stated that the annual numbers of reported adverse reactions had been decreasing since 1973. Two comments claimed that the risk of injury from use of foaming detergent bath products is insignificant. In support of this claim, these comments cited the July 1, 1977, to June 30, 1978, statistics on

cosmetic injuries reported by hospital emergency rooms into the National Electronic Injury Surveillance System (NEISS) of the Consumer Product Safety Commission. Two manufacturers of foaming detergent bath products submitted their animal testing data as evidence of the safety of these products.

FDA disagrees with the argument that the consumer injury data do not demonstrate a hazard warranting a caution statement and directions for safe use on labels of foaming detergent bath products. The information presented in the preambles of the proposed and final regulations fully documented the need for these requirements.

There was a decrease during the mid-70's in the recorded number of complaints from consumers about foaming detergent bath products because of a change in complaint forwarding policy by district offices. FDA explained in the preambles to both the proposal (42 FR 5368) and the final rule (45 FR 55172) that the reason for the significantly higher number of complaints before 1973 was the press and radio solicitation by the Federal Trade Commission of reports of adverse reactions from consumers. The fact that a large producer of these products voluntarily added a caution statement to the label of its foaming detergent bath products in 1974 may also have contributed to the decline in consumer complaints. The decrease in complaints that occurred between 1975 and 1978 has not continued. The rate of these complaints in relation to the total numbers of complaints recorded annually has averaged 1.98 percent (standard deviation of 0.75 percent) since 1975. The adverse reaction data submitted to FDA by cosmetic manufacturers as part of the voluntary registration program show averages of 1.22 (standard deviation of 0.57) adverse reactions per million units distributed for the years 1974 to 1976 and 1.66 (standard deviation of 0.51) for the years 1982 through 1984.

The seriousness of the adverse reactions is reflected in part in the relatively high percentage of injuries reported that required medical attention. For the years 1979 through 1984, an average of 43.8 percent of the injuries associated with foaming detergent bath products that were reported under the voluntary industry reporting program required medical treatment, whereas the average for all product categories for the same time period was 17.9 percent (standard deviation of 11.3 percent). After feminine deodorant products (55.6 percent) and fragrance sachets (45.4 percent), both of which have low

numbers of experiences reported, which may produce distortion, "bubble bath products" is the product category with the highest rate of injuries requiring medical attention. Additionally, of the 234 consumer complaints received by FDA associated with foaming detergent bath products between 1970 and 1984, 38 percent concerned urogenital disorders.

The NEISS data of July 1, 1977, to June 30, 1978, which were submitted by two comments in support of the argument that foaming detergent bath products do not present a health risk that requires caution labeling, usually reflect acute toxic manifestations, resulting from accidental product misuse, that are treated at the reporting hospital emergency rooms. As discussed in the *Federal Register* notices during the rulemaking, the injuries associated with foaming detergent bath products are not likely to result from just one exposure to this type of product, and consumers are not expected to seek treatment at an emergency room for a gradually worsening skin rash or urogenital irritation.

Equally inapplicable are the animal testing data for eye or skin irritation submitted by two manufacturers of foaming detergent bath products. The tests from which these data were obtained are typical for assessing the safety of detergent-containing products before conducting human studies. However, the data from these tests have no relevance to this proceeding because they are not indicative of the adverse reactions that may occur in consumers under the conditions of misuse that the caution labeling regulation is intended to address.

2. Of the three physicians who commented on the proposed stay of the effective date of the foaming detergent bath labeling regulation, two reported treating numerous cases of urogenital irritation or infection that were associated with foaming detergent bath products. Both of these physicians were pediatricians. One recommended that foaming detergent bath products be banned, and the other favored caution labeling. The third comment, from a physician principally involved in consumer product safety evaluation, described several cases of skin and urogenital irritation that occurred during the testing of foaming detergent bath products but expressed the opinion that the warning was not justified.

FDA has carefully considered the views of each of these three physicians along with other available information and concludes that, on balance, the medical opinions that have been submitted to the agency support the

need for the regulation. The medical observations reported by the two pediatricians complement those reported by the five physicians who commented on the proposed rule (see 45 FR 55172). Accordingly, seven of the nine physicians who have commented have supported the agency's finding that foaming detergent bath products can cause adverse reactions, particularly when misused. The caution statement and directions for safe use are justified as a means of preventing that misuse.

3. Two comments stated that the requirement of a caution statement and directions for safe use will undermine the impact of warnings on products that present serious risks, destroy the incentive to develop the least irritating product, and encourage use of noncosmetic substitute products, such as household detergents, in baths. Other comments asserted that manufacturers had cooperated with FDA to reduce the possibility of adverse reactions by reformulating products and voluntarily including caution language in labeling about the consequences of misuse. These comments claimed that the regulation therefore was unnecessary.

Neither of these comments provides any evidence to support the predictions that they make. The need for both caution labeling and directions for safe use to prevent misuse and serious injury is fully documented in the record of this proceeding. The agency is not aware of any data that indicate that cosmetic manufacturers would stop striving to market the safest product possible, or that consumers would substitute household detergents for cosmetic foaming detergent bath products, if the agency puts this regulation into effect.

The agency reviewed all cosmetic foaming detergent bath product formulations voluntarily registered with FDA under 21 CFR Part 710 during the past 10 years. Of the formulation changes registered with FDA, few involved foaming agents. Furthermore, FDA is aware of only one cosmetic manufacturer that has voluntarily included caution language in the labels of its foaming detergent bath products. That manufacturer informed FDA that it also made several formulation changes in its products, including elimination of alkylarylsulfonate, in an effort to reduce those products' potential for irritating the skin.

4. One comment argued that the regulation is a burdensome and unnecessary rule that conflicts with the regulatory policy of Executive Order 12291.

FDA has carefully considered this comment. As the agency's responses in this document make clear, there is a

need to caution users of foaming detergent bath products that injuries to children may result from the misuse of those products. Moreover, as explained in the discussion that follows, the costs of this regulation are low and therefore not burdensome. Nonetheless, to ensure that the obligations imposed by this regulation are no greater than necessary to protect children, FDA is not requiring the caution on those products whose labels make clear that they are intended for use exclusively by adults.

B. Labeling Costs

5. Four comments addressed the issue of the costs to cosmetic manufacturers of complying with the requirements of § 740.17. One manufacturer of foaming detergent bath products reported a cost of \$35 per label for new silk screens and, because of the many brands involved, a total cost to the firm of \$50,000 to \$55,000. The manufacturer of a line of children's foaming detergent bath products estimated the total cost for its various label changes to be almost \$50,000. A comment from a trade organization stated that the cost of compliance with the regulation will be about \$10,000 for an existing product and \$12,000 to \$15,000 for a new product. This comment also argued that small firms would probably incur greater absolute, as well as comparative, costs than large firms because large firms would benefit from economies of scale. A trade organization reporting information obtained from two of its member firms stated that one firm estimated the cost to be between \$50,000 and \$55,000. The other firm estimated the cost to be in excess of \$250,000.

FDA has conducted an independent study of the expected costs of compliance and has concluded that the total cost to industry will be approximately \$300,000. This total includes the cost of changes in artwork, the expense of preparing new film representations for printing plates, and administrative costs for each producer of foaming detergent bath products. The agency has not, however, considered decreased revenues for producers of foaming detergent bath products as a cost. FDA concludes that any reduction in use of foaming detergent bath products that occurs will be toward safe levels, so that decreases in revenues cannot be counted as a true economic cost. Details of the FDA study can be found in the "Threshold Assessment for the Modification and Withdrawal of Stay of the Foaming Detergent Bath Products Caution Statement Regulation," which is on file with the Dockets Management Branch (HFA-305), Food and Drug Administration, Rm.

4-62, 5600 Fishers Lane, Rockville, MD 20857.

Based upon the FDA study of compliance costs, and on the study of the costs of a one-time label change done by A.D. Little, Inc., for FDA in 1981, FDA can find no basis for some of the cost estimates submitted by industry. In particular, it is not clear why, as one comment asserted, the costs for a new product would be \$12,000 to \$15,000. Except for administrative costs, there should be no compliance cost for a new product because the label would be designed from the outset in compliance with existing labeling requirements. Furthermore, given all information currently available, FDA can find no substantive evidence that the cost for any one firm approaches the \$250,000 figure cited by one company.

Considering that consumers are likely to benefit from caution labeling by having fewer adverse reactions to foaming detergent bath products, less severe injuries, less bodily suffering, and fewer medical expenses, the agency concludes that the cost of implementing the labeling requirement is well justified and is neither burdensome nor inflationary.

C. Procedural Issues

6. One comment argued that, in the preamble to the final regulation, the agency had failed to address certain important comments. According to the comment, FDA had not addressed the issue of exclusion of adult foaming detergent bath products, liquid products, and products in small size containers from the coverage of the rule; the argument that alkylarylsulfonates were the apparent source of adverse reactions; or the assertion that the complaint levels had decreased following reduced use of alkylarylsulfonate.

FDA disagrees with this comment. In the final rule, the agency addressed each of the contentions mentioned in the comment. FDA stated that the marketing of foaming detergent bath products in small packages does not offer the agency assurance that adverse reactions will not occur (45 FR 55174). It stated that the adverse reaction data in its consumer complaint files did not permit it to conclude that liquid products and products intended for use by adults did not cause a significant number of adverse reactions (*id.*). With regard to alkylarylsulfonate, a surface-active agent, the agency referenced its discussion of this ingredient in the preamble to the proposed regulation and explained why it was not persuaded that this ingredient alone was

responsible for the high complaint rates (45 FR 55173). Finally, in the final rule, the agency explained why it did not agree with claims that the rate of adverse reactions to foaming detergent bath products had declined since 1973 (*id.*). This explanation also responds to the assertion that complaint levels had decreased following reduced use of alkylarylsulfonate in foaming detergent bath products. For all these reasons, FDA finds that there is no basis for the comment's claim that the agency had failed to address important comments.

II. Continuing Need for Caution on Children's Products

As part of its reconsideration of this regulation, FDA considered not only whether the evidence establishes a need for the regulation, but also whether it establishes a basis for treating foaming detergent bath products intended for use by adults differently than those intended for use by children. As discussed above, in the February 18, 1983, notice, FDA specifically asked for comments on the latter question. FDA finds that the evidence establishes that consumer complaints are associated with both types of products, and that therefore there is an appropriate basis in the record for requiring adequate directions for safe use and some type of caution on both types of products.

FDA reviewed the foaming detergent bath product-related consumer complaint statistics and the adverse reactions voluntarily filed by some cosmetic manufacturers under 21 CFR Part 730. Between 1970 and 1984, FDA received 234 foaming detergent bath product-related consumer complaints. Sixty-seven percent of those complaints were related to products intended for use by children, and 24 percent were related to products intended for use by adults. The other complaints could not be classified.

FDA's review of the data voluntarily submitted by cosmetic manufacturers between 1979 and 1984 revealed that of the 345 reported adverse reactions to foaming detergent bath products, 87 percent were associated with adults' products, 5 percent were associated with children's products, and 8 percent were associated with products that could not be classified.

The two sets of statistics thus contradict each other, and FDA could not conclude that only one category of products was predominantly responsible for the reported adverse reactions. A review of the voluntarily registered foaming detergent bath formulations and of the technical trade literature also provided no evidence of distinctive differences in composition (other than

generally higher fragrance concentrations in adult products) that would indicate that one type of product has a significantly greater potential for injury when misused than the other. It should be noted, however, that neither the data in FDA's files on consumer complaints nor those in the voluntary registration files permitted statistical evaluation of whether the adverse reactions associated with adults' products or with children's products always occurred in the respective age group. Some adverse reactions associated with adults' foaming detergent bath products may have occurred in children and vice versa.

Based on its review of the evidence, however, FDA finds that children are particularly vulnerable to the consumer hazard of primary concern, urogenital injury. There is evidence of an association between urogenital injury and children's products. Although the voluntarily registered industry data were not sufficiently detailed to permit analysis, the agency was able to analyze the complaints that it received directly from consumers about foaming detergent bath products and found that they reported 86 cases of urogenital adverse reactions. Eighty-two percent of those adverse reactions were associated with products intended for use by children. Although it may be that not all of those adverse reactions occurred in children, it is certain that the great majority of them did.

Further, FDA has received a number of reports that were specifically about urogenital injuries to children from foaming detergent bath products. Two pediatricians commented on the proposed stay and reported treating numerous children for urogenital irritation or infection associated with foaming detergent bath products. Thus, seven of the nine physicians who commented reported treating children for urogenital symptoms associated with these products (see 45 FR 55172).

Therefore, FDA is persuaded that, to give appropriate protection to children, § 740.17 should go into effect for all foaming detergent bath products except those intended for use exclusively by adults at the earliest practicable date. Because FDA has determined that 1 year is the appropriate lead time (see 45 FR 55175), the effective date of this regulation will be June 5, 1987.

In the absence of as large a number of urogenital adverse reactions in adults as were observed in children, FDA has decided not to require the caution on products intended for use exclusively by adults. Therefore, FDA is amending § 740.17(b) to make clear that the caution in that section is required on all

products except those that are labeled as intended for use exclusively by adults. FDA believes it is appropriate to make these changes at this time because it solicited comment on the issue of the coverage of the regulation in the February 18, 1983, notice.

Consistent with these actions, FDA is continuing the interim stay of the effective date of 21 CFR 740.17 until June 5, 1987, the new effective date of this regulation.

III. Environmental Impact

The agency has previously considered the environmental effects of this rule as announced in the proposed rule (January 28, 1977; 42 FR 5368). FDA's regulations implementing the National Environmental Policy Act then in effect have been replaced by a rule published in the *Federal Register* of April 26, 1985 (50 FR 16636, effective July 25, 1985). Under the new rule, an action of this type would be categorically excluded from an environmental assessment and an environmental impact statement under 21 CFR 25.24(a)(11).

IV. Economic Impact

FDA has examined the costs of this regulation and determined that the only significant economic costs are the activities which must be undertaken in order to change packages and labels of foaming detergent bath products. The agency has estimated these costs to be less than \$300,000, well under the \$100 million per year threshold established by Executive Order 12291 for determining what is a "major" rule. FDA therefore certifies that this is not a major rule as defined by Executive Order 12291, and that it is thus exempt from the requirement for a regulatory impact analysis.

In accordance with the Regulatory Flexibility Act (Pub. L. 96-354), FDA has considered the effect that this regulation will have on small entities including small businesses and has determined that it will not place a significantly greater burden on small businesses than on large businesses. Therefore, FDA certifies in accordance with section 605(b) of the Regulatory Flexibility Act that this regulation will have no significant economic impact on a substantial number of small entities.

List of Subjects in 21 CFR Part 740

Cosmetics, Safety substantiation, Warning statements.

Therefore, under the Federal Food, Drug, and Cosmetic Act, Part 740 is amended as follows:

PART 740—COSMETIC PRODUCT WARNING STATEMENTS

1. The authority citation for 21 CFR Part 740 is revised to read as follows:

Authority: Secs. 201(n), 601, 602, 701(a), 52 Stat. 1041, 1054-1055 (21 U.S.C. 321(n), 361, 362, 371(a)); 21 CFR 5.10, 5.11.

2. By revising § 740.17 to read as follows:

§ 740.17 Foaming detergent bath products.

(a) For the purpose of this section, a foaming detergent bath product is any product intended to be added to a bath for the purpose of producing foam that contains a surface-active agent serving as a detergent or foaming ingredient.

(b) The label of foaming detergent bath products within the meaning of paragraph (a) of this section, except for those products that are labeled as intended for use exclusively by adults, shall bear adequate directions for safe use and the following caution:

Caution—Use only as directed. Excessive use or prolonged exposure may cause irritation to skin and urinary tract. Discontinue use if rash, redness, or itching occurs. Consult your physician if irritation persists. Keep out of reach of children.

(c) In the case of products intended for use by children, the phrase "except under adult supervision" may be added at the end of the last sentence in the caution required by paragraph (b) of this section.

Dated: April 26, 1986.

Frank E. Young,

Commissioner of Food and Drugs.

[FR Doc. 86-12619 Filed 6-4-86; 8:45 am]

BILLING CODE 4160-01-M

DEPARTMENT OF STATE**22 CFR Part 51**

[Department Regulation 108.849]

Bureau of Consular Affairs; Execution of Passport Application

AGENCY: Department of State.

ACTION: Final rule.

SUMMARY: The Department of State is amending its passport regulations to extend the period of time within which persons previously issued United States passports may apply for new passports without appearing in person before a person authorized by the Secretary of State to administer oaths and accept applications. Additionally, the regulations are being amended to broaden the categories of persons who

are eligible to apply for passports without appearing in person.

EFFECTIVE DATE: June 5, 1986.

FOR FURTHER INFORMATION CONTACT: William B. Wharton, Director, Office of Citizenship Appeals and Legal Assistance, Room 5813, Department of State, 2201 C Street, NW, Washington, DC 20520. Telephone (202) 647-6635.

SUPPLEMENTARY INFORMATION: Present regulations allow a U.S. citizen to apply for a new U.S. passport under certain conditions without appearing in person before a person authorized by the Secretary to administer oaths and accept such applications. Personal appearance may not be required when: the most recently issued passport was issued when the citizen was 18 years of age or older; the application is made within eight years from the date on which the most recent passport was issued; and the citizen can present that passport with his or her application for a new passport.

These regulations were promulgated when the maximum validity period for which a passport could be issued was five years. Pub. L. 97-241 (96 Stat. 279 (1983)) extended the period of validity of a passport from five years to ten years. Thus, there was no longer a grace period beyond the passport's expiration date within which a person could apply without appearing before a person authorized by the Secretary of State to administer oaths and accept applications.

The revised regulations will allow persons who have been issued a full validity passport when they were 16 years of age or older to use the "mail-in" procedure to obtain a new passport within twelve years after the date on which the expired passport was issued.

Consideration has been given to the need to balance the requirements for identification and the convenience to the traveling citizen. The Federal Advisory Committee on False Identification (FACFI) evaluated various identification systems and processes. The conclusions and recommendations of FACFI's Report of November 1976 were taken into account at the time the Department was considering implementation of the 10 year passport legislation. The regulations permitting the use of this "mail-in" procedure allows applicants a grace period within which to apply without impairing the reliability of the passport as an identity document. In addition, extending the "mail-in" procedures to minors whose previous passports were issued when they were 16 years of age or older will extend the benefits of this procedure to an increased number of people.

Since this amendment to the regulations is being made to bring them into conformity with the legislation referred to above, and extends a benefit to passport applicants, the Department has determined that the public notice requirement of the Administrative Procedure Act (APA), 5 U.S.C. 553, as amended, may be dispensed with because it is unnecessary. 5 U.S.C. 553(b)(B).

The Department has also determined that this regulation will not impose unnecessary burdens on individuals or on the economy and, therefore, is not significant for the purpose of Executive Order 12044.

List of Subjects in 22 CFR Part 51

Administrative practice and procedure, Passports and visas.

PART 51—[AMENDED]

22 CFR Part 51 is amended as follows:

1. The authority citation for Part 51 is revised to read as follows:

Authority: Sec. 1, 44 Stat. 887; sec. 1, 41 Stat. 750; sec. 2, 44 Stat. 887; sec. 4, 63 Stat. 111, as amended (22 U.S.C. 211a, 214, 217a, 2658); E.O. 11295, 36 FR 10603; 3 CFR 1966-70 Comp. p. 507.

2. In § 51.21, paragraphs (a), (c), and (d) are revised to read as follows:

§ 51.21 Execution of passport application.

(a) *First time applicants or persons who have not been issued a passport within the past twelve years.* A person who has never been issued a passport in his or her own name, or who has not been issued a passport in his or her own name within 12 years of the date of a new application, shall appear in person before a person authorized by the Secretary to give oaths, verify the application by oath or affirmation before that authorized person, provide two recent photographs, and pay the established fees.

(c) *Persons in the United States who have previously been issued a full validity passport.* A person in the United States who has been issued a passport in his or her own name may obtain a new passport by filling out and mailing a specially prescribed application together with his or her previous passport, two recent photographs, and the established fee to the nearest U.S. Passport Agency provided:

(1) The most recently issued previous passport was issued when the applicant was 16 years of age or older;

(2) The application is made not more than 12 years following the issue date of the previous passport;

(3) The most recently issued previous passport is submitted with the new application.

(d) *Persons outside of the United States who have previously been issued a full validity passport.* In a foreign country in which a U.S. consular district has been designated by the Secretary to receive such passport applications, a person who has been issued a passport in his or her own name may obtain a new passport by filling out a specially prescribed application and sending it (by mail or as prescribed by the Secretary), together with his or her previous passport, two recent photographs, and the established fee to the consular office in the consular district in which he or she is present, provided:

(1) The most recently issued passport was issued when the applicant was 16 years of age or older;

(2) The application is made not more than 12 years following the issue date of the previous passport;

(3) The most recently issued previous passport is submitted with the new application.

For the Secretary of State.

Dated: May 22, 1986.

Joan M. Clark,

Assistant Secretary, Bureau of Consular Affairs.

[FR Doc. 86-12543 Filed 6-4-86; 8:45 am]

BILLING CODE 4710-03-M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Secretary

24 CFR Part 15

[Docket No. R-86-1236; FR-2014]

Disclosure of Profit and Loss Information to Potential Purchasers of HUD-Held Mortgages

AGENCY: Office of the Secretary, HUD.

ACTION: Interim rule.

SUMMARY: This interim rule revises the regulations at 24 CFR Part 15 governing disclosure of departmental records. This rule clarifies the records that may be withheld from inspection or copying under 24 CFR 15.21(a)(4), i.e., "trade secrets and commercial or financial information", and provides for the disclosure of information on Form HUD-92410, Statement of Profit and Loss, to prospective eligible bidders (as defined in the auction announcement) on

mortgages offered in the Department's multifamily mortgage auctions. HUD has determined that the disclosure to potential bidders of information in the Profit and Loss Statement is necessary for the successful conduct of these mortgage sales.

DATES: Effective date: July 21, 1986.

Comment due date: August 4, 1986.

Mortgagors of projects for which HUD holds the mortgage may request that HUD not release Form HUD-92410 in connection with any mortgage auctions conducted before the effective date of the final rule in this rulemaking. These requests must be addressed in writing to: Marvin Hillman, Director, Multifamily Property Disposition Division, Office of Multifamily Housing Management, Department of Housing and Urban Development, Room 6272, 451 Seventh Street SW., Washington, DC 20410. The Department must receive these request by August 4, 1986. Unless an affected mortgagor forwards its request to HUD within that deadline, HUD may release Form HUD-92410 to prospective eligible bidders subject to the conditions in this interim rule.

ADDRESS: Interested parties are invited to submit comments to the Rules Docket Clerk, Office of General Counsel, Department of Housing and Urban Development, Room 10276, 451 Seventh Street SW., Washington, DC 20410. Communications should refer to the above docket number and title. A copy of each communication will be available for public inspection during regular business hours at the above address.

FOR FURTHER INFORMATION CONTACT: Marvin Hillman, Director, Multifamily Property Disposition Division, Office of Multifamily Housing Management, Department of Housing and Urban Development, Room 6272, 451 Seventh Street SW., Washington, DC 20410. Telephone (202) 755-7343. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION:

I. Background

HUD mortgage auctions involve two types of mortgages:

(2) *Assigned mortgages:* These mortgages secure loans that were originally made by the lender and insured by HUD under the National Housing Act. Lenders have assigned these mortgages to HUD after a default. The Department pays insurance benefits to the lender and thus becomes the new mortgagor.

(2) *Purchase money mortgages.* These mortgages were taken back by the Department in conjunction with the sale of a HUD-owned property. HUD acquired the property by foreclosing on

an assigned mortgage, taking a deed-in-lieu-of-foreclosure, or by accepting conveyance of title from the insured lender.

The Department has determined that the disclosure of information on Form HUD-92410, Statement of Profit and Loss, to prospective eligible bidders (as defined in the auction announcement) on mortgage offered in HUD multifamily mortgage auctions is necessary for the successful conduct of future auctions. (For purposes of this interim rule, "auction" includes any mortgage sale procedure where oral or written bids are submitted to HUD or its authorized agent.) Such disclosure is important because eligible bidders have advised HUD that they need access to profit and loss information in order to make an informed decision about whether to bid and how much to bid on certain mortgages. Disclosure of this type of financial information concerning the property securing the mortgage is vital to enhancing the level of participation in and the success of HUD's mortgage auctions. The form includes specific income sources and amounts and project expense categories. (A listing of the data entry categories included in Form HUD-92410 is published as an appendix to this interim rule, so that commenters will be fully apprised of the kinds of data proposed to be made available in connection with mortgage auctions.)

The availability of this information to qualified bidders is particularly important because of the reaction of bidders during recent auctions. In the two 1984 auctions, when information from Form HUD-92410 was not released to potential bidders, 315 mortgages were offered, but only 47 were sold—a 15 percent sales rate. In five previous auctions during 1982-83, when such information was released to potential bidders, 1,372 mortgages were offered for sale, and 400 (20 percent) were sold. Similarly, the ratio of mortgages bids (i.e., bids received from a bidder other than the mortgagor) received to mortgages offered has significantly decreased in the two 1984 auctions. In those two auctions, a total of 57 mortgagee bids was received, (a ratio of bids to mortgages offered of approximately 1:5), as contrasted with 820 mortgagee bids in the previous four auctions (a ratio of approximately 2:3).

This substantial drop in interest on the part of potential mortgage purchasers is no doubt attributable in part to HUD's February 10, 1984 memorandum announcing discontinuation of FHA insurance on auction mortgages. However, it is also

true that sales have been retarded by the absence of adequate financial data concerning the projects securing the mortgages. According to discussions held with several financial institutions, in the absence of HUD mortgage insurance, their potential bids for mortgages must depend on some indication of a project's financial status.

The Department traditionally has provided for prior notice and comment even when not required by the Administrative Procedure Act (see 24 CFR 10.1). Although this is the general policy of the Department, HUD has determined that there exists good cause to proceed with this rulemaking through the promulgation of an interim rule, rather than a proposed rule. This rule must be promulgated as an interim rule to meet the specific goals in the HUD Budget for Fiscal Year 1987 for proceeds resulting from the Department's mortgage auctions. In particular, the Department has determined that this interim rule is necessary in connection with a mortgage auction contemplated for the first quarter of Fiscal Year 1987. To reach the total proceeds planned for Fiscal Year 1987, it is anticipated that additional mortgage auctions will be conducted during the fiscal year. The mortgages will be sold without FHA mortgage insurance.

In order to protect the concern of any affected mortgagor for the confidentiality of the data contained in the project's Form HUD-92410 in connection with any mortgage auctions held before the effective date of the final rule in this rulemaking, HUD will allow mortgagors to notify the Department within 60 days after the publication of this interim rule that Form HUD-92410 for their project should not be released before the effective date of the final rule. The final rule will reflect HUD's consideration of any comments received within the comment due date for this interim rule.

II. Statutory Authority

The Department's authority to conduct auctions of HUD-held mortgages is based on sections 207(k) and 207(l) of the National Housing Act, 12 U.S.C. 1713(k) and 1713(l), and on section 7(i)(3) of the Department of Housing and Urban Development Act, 42 U.S.C. 3535(i)(3). Section 207(k) provides in part that pending acquisition by voluntary conveyance or by foreclosure, the Secretary is authorized, with respect to mortgages assigned to the Secretary under section 207, to sell such mortgages. Section 207(l) provides in part that the Secretary is authorized to expend from the General Insurance Fund necessary funds for the

administration of such mortgage auctions.

Section 7(i)(3) of the Department of Housing and Urban Development Act, 42 U.S.C. 3535(i)(3), authorizes the Secretary to "sell or exchange at public or private sale, or lease, real or personal property, and sell or exchange any securities or obligations, upon such terms as he may fix. . . ."

HUD has determined that the disclosure of information from Form HUD-92410 to potential bidders at HUD mortgage auctions is essential to the successful implementation of the above-mentioned statutory authorities. For this reason, the disclosure of information from Form HUD-92410 is authorized by law for disclosure under the Trade Secrets Act, 18 U.S.C. 1905, and, under the limited conditions described in this interim rule, information included on the form will be released to prospective eligible bidders. (However, under this interim rule, HUD will not release Form HUD-92410 before the effective date of the final rule for any affected mortgagor who forwards a request to HUD within the deadline specified elsewhere in this preamble (see discussion under "Comment Due Date", above).) An appendix published with this rule provides a list of the data entries included in Form HUD-92410 that will be subject to disclosure under this rule.

The Trade Secrets Act

In pertinent part, section 1905 of the Trade Secrets Act provides:

"Whoever, being an officer or employee of the United States or of any department or agency thereof, . . . publishes, divulges, discloses, or makes known in any manner or of any extent not authorized by law any information coming to him in the course of his employment or official duties or by reason of any examination or investigation made by, or return, report or record made to or filed with, such department or agency or officer or employee thereof, which information concerns or relates to the trade secrets, processes, operations, style of work, or apparatus, or to the identity, confidential statistical data, amount or source of any income, profits, losses, or expenditures of any person, firm, partnership, corporation, or association; or permits any income return or copy thereof of any book containing any abstract or particulars thereof to be seen or examined by any person except as provided by law; shall be fined not more than \$1,000, or imprisoned not more than one year, or both; and shall be removed from office or employment." (Emphasis added.)

The interpretation of the phrase "authorized by law" in section 1905 of the Trade Secrets Act has been the subject of Federal judicial interpretation. The United States Supreme Court held in *Chrysler v.*

Brown, 441 U.S. 281, 301-303 (1979), that in order for an agency regulation to constitute authority for disclosure of "trade secrets" or similar information, the regulation must be: (1) "Substantive", (2) promulgated under a grant of "quasi-legislative authority", and (3) issued in accordance with the procedural requirements of the Administrative Procedure Act (APA).

Concerning the first requirement under the *Chrysler* decision that a rule authorizing the disclosure of "trade secrets" be "substantive", the Court held that the key test is whether it affects "individual rights and obligations" rather than merely consisting of "general statements of policy, or rules of agency organization, procedure, or practice." The Department has determined that this interim rule meets this test. It would authorize the disclosure of mortgagor financial and management information contained in Form HUD-92410 to qualified bidders in HUD-sponsored mortgage auctions. This information is essential for the bidders' evaluation of the respective projects and the structuring of their bids for specific HUD-held mortgages.

As related to the second requirement of the *Chrysler* decision, i.e., that the disclosure of "trade secrets" be justified under a grant of "quasi-legislative authority", the Department has determined that the disclosure of the information in Form HUD-92410 is essential to the proper conduct of HUD's authority under sections 207(k) and 207(l) of the National Housing Act and section 7(i)(3) of the Department of Housing and Urban Development Act. This determination is based on the Department's recent experience at multifamily mortgage auctions and in discussions with financial institutions that have been active in the purchase of HUD-held mortgages in past auctions. Without HUD mortgage insurance to safeguard potential bidders' investment decisions, these institutions are concerned that if the information contained in Form HUD-92410 is not disclosed, they could not structure their bids in a manner consistent with their fiduciary responsibilities to their investors.

The Department's determination that this statutory authority provides a quasi-legislative authority to justify this qualified disclosure of "trade secrets" is also supported by an interpretation of section 1905 of the Trade Secrets Act in an Opinion of the Attorney General at 41 Op. Att'y Gen. 166 (1953). In that opinion, the Attorney General responded to an inquiry of the Secretary of the Treasury concerning whether

borrowers' financial statements (including profit and loss statements) and other information could be disclosed in connection with the liquidation of the assets and the winding up of affairs of the Reconstruction Finance Corporation (RFC). (Most of the RFC's assets were in the form of loans to businesses and mortgage notes and other securities issued by financial institutions, railroads, other business enterprises, and public agencies.) Although no statutory provision explicitly authorized disclosure of borrowers' financial information in connection with such assets, the Attorney General concluded that appropriate legislative authority to disclose the information to potential purchasers of the notes and securities could be inferred if disclosure were necessary for the "orderly and efficient liquidation" of the assets.

HUD has determined that a successful mortgage auction program (aided by an increased pool of bidders as a result of the disclosure of information contained in Form HUD-92410 would provide more competition as well as the assurance that the Department would realize the best price for mortgages sold. Furthermore, HUD's mortgage auction program reduces the Department's borrowing needs and related costs. In addition, since HUD will no longer need to perform accounting or servicing functions on the mortgages sold, the mortgage auction program reduces HUD's administrative workload and costs.

The third requirement of the *Chrysler* decision is that a regulation authorizing the disclosure of "trade secrets" be issued in accordance with the procedural requirements of the Administrative Procedure Act (APA), 5 U.S.C. 701. This rulemaking is being conducted in accordance with the Department's procedural regulations at 24 CFR Part 10 and in full compliance with the public participation provisions in those regulations (see § 10.10).

III. Amendment to 24 CFR Part 15 Under This Interim Rule

This interim rule adds a new § 15.21(c) to 24 CFR Part 15. Section 15.21 provides a list of departmental records exempted from disclosure under the Freedom of Information Act, 5 U.S.C. 552, including "Trade secrets and commercial or financial information obtained from a person and privileged or confidential" (24 CFR 15.21(a)(4)). Section 15.21(c) of this interim rule authorizes the release of the Form HUD-92410 to eligible potential bidders and to potential investors in the mortgage (who receive Form HUD-92410 from a

potential bidder) in connection with a multifamily mortgage auction conducted by the Department.

Under § 15.21(c), eligible potential bidders (as defined in the auction announcement) would be required to keep the information confidential, to disclose the information only to potential investors in the mortgage, to use the information for the sole purpose of their evaluation of the mortgage in connection with the mortgage auction, and to follow disclosure procedures for that auction that have been established by the Secretary. The release of this information to potential bidders would be limited to the period from the date given in the announcement of the specific auction through the last date of any post-auction sale. In addition, any potential bidder is responsible for notifying potential investors in the mortgage who receive this information from that bidder of the investors' obligations under § 15.21(c)(3). Similar requirements are stated in the interim rule for potential investors in the mortgage who receive this information from potential bidders.

Disclosure of this information not in accordance with this rule will subject an eligible potential bidder or a potential investor (who has received the information from a potential bidder and has been notified by that potential bidder of its obligations under § 15.21(c)(3)) to HUD administrative sanctions under 24 CFR Part 24, including debarment, suspension, or placement in ineligibility status for purposes of HUD contracts, grants, mortgage insurance, or other form of HUD assistance described in Part 24.

The Department requests public comments on this interim rule to facilitate the limited disclosure of Form HUD-92410 to eligible potential bidders and potential investors in the mortgage in connection with a specific mortgage auction. In particular, HUD invites comments on: (1) Whether other mortgagor project or financial information that has been submitted to HUD for purposes of HUD mortgage insurance should be disclosed to eligible potential bidders and potential investors in the mortgage; (2) whether alternative or additional requirements and remedies should be included in this interim rule to limit the disclosure of Form HUD-92410 with respect to both eligible potential bidders and potential investors; and (3) whether only a portion of the information in Form HUD-92410 should be authorized for disclosure in connection with mortgage auctions.

IV. Miscellaneous

This interim rule does not constitute a "major rule" as that term is defined in section 1(b) of Executive Order 12291 on Federal Regulation issued by the President on February 17, 1981. The rule does not: (1) Have an annual effect on the economy of one hundred million dollars or more; (2) cause a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies or geographic regions; or (3) have significant adverse effect on competition, employment, investment, productivity, innovation or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

Consistent with the provisions of 5 U.S.C. 605 (the Regulatory Flexibility Act), the Secretary has determined that this rule would not have a significant economic impact on a substantial number of small entities, because the impact of this limited financial disclosure is not expected to be substantial, and because most mortgagors affected by the rule are not small firms.

Under the provisions of the Paperwork Reduction Act of 1980 (44 U.S.C. 3501-3520), the collection of information under Form HUD-92410 has been approved by OMB, and assigned approval number 2502-0052. This rule would not provide any additional collection of information burdens on affected firms, but would permit the disclosure of information from Form HUD-92410 for HUD mortgage auctions under limited conditions.

A Finding of No Significant Impact with respect to the environment has been made in accordance with HUD regulations in 24 CFR Part 50, which implement Section 102(C) of the National Environmental Policy Act of 1969. The Finding of No Significant Impact is available for public inspection during regular business hours at the Office of Rules Docket Clerk at Room 10276, Department of Housing and Urban Development, 451 Seventh Street SW., Washington, DC 20410.

This rule was listed as item number 809 in the Department's Semiannual Agenda of Regulations published on April 21, 1986 (51 FR 14036, 14049) under Executive Order 12291 and the Regulatory Agenda.

List of Subjects in 24 CFR Part 15

Classified information, Freedom of information.

Accordingly, 24 CFR Part 15 is amended as follows:

PART 15—PRODUCTION OR DISCLOSURE OF MATERIAL OR INFORMATION

1. The authority citation for 24 CFR Part 15 is revised to read as set forth below and any authority citation following any section in Part 15 is removed:

Authority: Freedom of Information Act (5 U.S.C. 552); sec. 7(d) of the Department of Housing and Urban Development Act (42 U.S.C. 3535(d)).

2. In § 15.21 paragraph (a)(4) is revised, and paragraph (c) is added to read as follows:

§ 15.21 Exemptions authorized by 5 U.S.C. 552.

(a) * * *

(4) Except as otherwise provided in paragraph (c) of this section, trade secrets and commercial or financial information obtained from a person and privileged or confidential;

(c) Subject to the following conditions, financial and related information submitted by a mortgagor and contained on Form HUD-92410, (Statement of Profit and Loss) or a HUD-approved substitute form that the mortgagor may have submitted, may be disclosed to eligible potential bidders (as defined in the auction announcement) in connection with a multifamily mortgage auction conducted by the Department.

(1) Information from Form HUD-92410 concerning a project may be made available in conjunction with the auction of a mortgage covering that project conducted under the authority of sections 207 (k) and (l) of the National Housing Act, 12 U.S.C. 1713 (k) and (l), or section 7(i)(3) of the Department of Housing and Urban Development Act, 42 U.S.C. 3535(i)(3). Included among the types of mortgage auctions affected by this provision are any mortgage sale procedures wherein oral or written bids are submitted to HUD or to its authorized agent.

(2) The release of this information by HUD to eligible potential bidders shall be limited to the period from the date given in the announcement of the specific auction through the last date of any post-auction sale.

(3) Eligible potential bidders who have received this information shall agree to keep the information confidential, to disclose the information only to potential investors in the mortgage, to use the information for the sole purpose of their evaluation of the mortgage in connection with the mortgage auction, and to follow disclosure procedures for that auction

that have been established by the Secretary. Any disclosure by eligible potential bidders to potential investors in the mortgage shall be limited to the period from the date given in the announcement of the specific auction through the last date of any post-auction sale. Similarly, potential investors in the mortgage shall agree to keep the information confidential and to use the information for the sole purpose of their evaluation of the mortgage in connection with their investment decision. In addition, potential investors in the mortgage may not disclose the information to other entities, unless the disclosure is necessary for the investor's evaluation of the mortgage, is in accordance with disclosure procedures for the specific auction that have been established by the Secretary, and is limited to the period from the date given in the announcement of the specific auction through the last date of any post-auction sale. Any potential bidder is responsible for notifying potential investors in the mortgage who receive this information from that bidder of the investors' obligations under this section.

(4) Disclosure of information from Form HUD-92410 by an eligible potential bidder or by a potential investor (who has received the information from a potential bidder and has been notified by that potential bidder of its obligations under paragraph (c)(3) of this section) that is not in accordance with this section is a violation of this regulation and may subject the entity making the unauthorized disclosure to administrative sanctions under 24 CFR Part 24.

3. An appendix is added to Part 15 to read as follows:

Appendix to Part 15—List of Data Entries included in Form HUD-92410, Statement of Profit and Loss

Income Accounts

Rent Income:

Houses
Apartments
Rent supplement payments
Furniture & equipment-owned by project for rent or lease
Stores and commercial
Offices
Basement
Garage or parking spaces
Miscellaneous
Total rent income—Potential at 100% occupancy

Vacancies:

Houses
Apartments
Furniture & equipment-owned by project for rent or lease
Stores and commercial
Offices

Basement
Garage or parking spaces
Miscellaneous
Total vacancies

Net Rental Income

Total Service Income

Financial Income:

Interest income
Income from investments
Income from sinking fund
Miscellaneous
Total financial income

Total Other Income

Total Income

Project Expense Accounts

Renting Expenses:

Advertising
Commissions
Concessions to tenants
Alterations
Miscellaneous
Total Renting Expenses

Administrative Expenses:

Office salaries
Office expense
Office rent
Management fee
Manager of superintendent salaries
Legal expenses (project)
Auditing expenses (project)
Telephone and telegraph
Bad debts
Miscellaneous
Total administrative expenses

Operating Expenses:

Elevator payroll
Elevator power
Fuel
Engineer payroll
Janitor payroll
Janitor supplies
Bus operator payroll
Gasoline, oil and grease
Electricity
Water
Gas
Exterminating payroll
Exterminating supplies
Exterminating contract
Garbage and trash removal
Miscellaneous
Total operating expenses

Maintenance Expenses:

Protection payroll
Protection fee, cost or contracts
Grounds payroll
Grounds supplies and replacements
Grounds contract
Cleaning payroll
Repairs payroll
Repairs material
Repairs contract
Repairs-extraordinary and nonrecurring
Elevator maintenance
Air conditioning, repair and maintenance
Decorating payroll
Decorating supplies
Decorating contract

Motor vehicle repairs
 Maintenance equipment repairs
 Miscellaneous
 Total maintenance expenses

Depreciation:
 Buildings
 Building equipment-fixed
 Alterations
 Building equipment-portable
 Furniture for project administrative use
 Furniture & equipment-project owned for rental or lease
 Furnishings
 Maintenance equipment
 Motor vehicles
 Miscellaneous
 Total depreciation

Taxes and Insurance:
 Taxes (list)
 Insurance
 Total taxes and insurance

Financial expenses:
 Interest on bonds payable
 Interest on mortgage payable
 Interest on notes payable (long term)
 Interest on notes payable (short term)
 Insurance on mortgage
 Miscellaneous

Total Service Expenses
 Total Cost of Operations
 Operating Profit or (Loss)

Corporate or Mortgagor Entity Expenses:
 Officer salaries
 Legal expenses (entity)
 Federal income tax
 State income tax
 Other taxes (entity)
 Leased furniture expenses (entity)
 Other expenses (entity)
 Total corporate expenses

Net Profit or Loss
 Dated: May 27, 1986.
 Samuel R. Pierce, Jr.,
 Secretary.
 [FR Doc. 86-12592 Filed 6-4-86; 8:45 am]
 BILLING CODE 4210-32-M

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 1

[T.D. 8088]

Income Taxes; Temporary Regulations Under Section 338, Stock Acquisitions, Statements of Elections and Due Dates

AGENCY: Internal Revenue Service, Treasury.

ACTION: Correction to temporary rule.

SUMMARY: This document contains a correction to the temporary regulations that were published in the *Federal*

Register on May 16, 1986 (51 FR 17929). Those regulations, issued as Treasury Decision 8088, relate to section 338(g) of the Internal Revenue Code.

FOR FURTHER INFORMATION CONTACT: Thomas J. Kane of the Legislation and Regulations Division, Office of the Chief Counsel, 1111 Constitution Avenue, N.W., Washington, D.C. 20224 (Attn: CC:LR:T). Telephone 202-566-3458 (not a toll-free number).

SUPPLEMENTARY INFORMATION:

Background

Treasury Decision 8088 provides additional guidance to taxpayers concerning the filing of certain Statements of election on or after December 9, 1985, and on or before July 15, 1986; clarifies the application of the mitigation of limitations provisions; and extends the time for taking certain action under section 338 of the Internal Revenue Code.

Need for Correction

As published, T.D. 8088 contains a typographical error in a date that appears in one of the examples in § 1.338-1T(m)(15).

Correction of Publication

Accordingly, the publication of Treasury Decision 8088, which was the subject of FR Doc. 86-10998, is corrected as follows:

§ 1.338-1T [Corrected]

In § 1.338-1T, paragraph (m)(15), Example (10), on page 17936, first column, in the last sentence the language "November 3, 1983," is removed and the language "November 3, 1986," is added in its place.

Donald E. Osteen,

Acting Director, Legislation and Regulations Division.

[FR Doc. 86-12666 Filed 6-4-86; 8:45 am]

BILLING CODE 4930-01-M

Bureau of Alcohol, Tobacco and Firearms

27 CFR Part 4

[T.D. ATF-229; Ref: Notice Nos. 522, 534, 542]

Wine Labeling and Advertising; Use of Geographic Brand Names

AGENCY: Bureau of Alcohol, Tobacco and Firearms (ATF), Department of the Treasury.

ACTION: Treasury decision, final rule.

SUMMARY: This final rule amends the labeling regulation in 27 CFR 4.39(i),

concerning geographic brand names of viticultural significance. In essence, the amended regulation permits a brand name of viticultural significance to be used on a label only if the wine meets the appellation of origin requirements for the geographic area named. However, the bottling winery need not be located in the geographic area used in the brand name.

EFFECTIVE DATE: July 7, 1986.

FOR FURTHER INFORMATION CONTACT: James P. Ficareta or John A. Linthicum, FAA, Wine and Beer Branch, Bureau of Alcohol, Tobacco and Firearms, 1200 Pennsylvania Avenue NW., Washington, DC 20226, 202-566-7626.

SUPPLEMENTARY INFORMATION:

Background

Treasury Decision ATF-53 (43 FR 37672, August 23, 1978 and 43 FR 54624, November 22, 1978), set forth a new provision in 27 CFR 4.39(i) by providing that a brand name of viticultural significance may not be used unless the bottling winery is located within the geographic area used in the brand name, and the wine meets the appellation of origin requirements for the geographic area named, or; the brand name is qualified by the word "brand" immediately following the brand name in the same size of type and as conspicuous as the brand name itself.

As specified in § 4.39(i), a name has viticultural significance when it is the name of a state or county (or the foreign equivalents), when approved as a viticultural area in 27 CFR Part 9, or by a foreign government, or when found to have viticultural significance by the Director.

Petition to Defer the Mandatory Compliance Date

The Wine Institute petitioned ATF to delay the effective date of § 4.34(c) (also promulgated under T.D. ATF-53), and § 4.39(i) from January 1, 1983, to January 1, 1985. Due to the fact that the validity of other regulations promulgated by T.D. ATF-53 was cast into doubt by *Wawskiewicz v. Department of the Treasury*, 480 F.Supp. 739 (D.D.C. 1979), *rev'd in part and aff'd in part*, 670 F.2d 296 (D.C. Cir. 1981), wine industry members could not effectively plan to redesign their labels to conform to all the requirements set forth in the Treasury decision. The Wine Institute believed that its members should only be required to redesign their labels once in order to conform to the rules promulgated in T.D. ATF-53, and they could not be sure what those rules were

until the *Wawskiewicz* litigation was finalized.

Thereafter, ATF issued a notice of proposed rulemaking which resulted in T.D. ATF-126 (January 21, 1983; 48 FR 2762) deferring the effective date of 27 CFR 4.34(c) and 4.39(i) until January 1, 1985. A final rule concerning § 4.34(c) was subsequently published on January 7, 1985 (50 FR 759). The mandatory compliance date for § 4.39(i) was eventually extended until January 1, 1987, as a result of T.D. ATF-194 (January 7, 1985; 50 FR 758).

In their petition to defer the mandatory compliance date for §§ 4.34(c) and 4.39(i) in T.D. ATF-53, the Wine Institute reiterated their earlier position on the use of (TM) and (R), in lieu of the word "brand." They believed that the provision in § 4.39(i) requiring the word "brand" to appear in the same size of type as the brand name was unaesthetic. In addition, they believed the word "brand" would not preclude any misleading impressions that might be conveyed by a geographic brand name.

Notice No. 522

Based on the Wine Institute's petition, ATF published Notice No. 522 (May 7, 1984; 49 FR 19330), presenting four alternatives to § 4.39(i), but proposing action on one:

Alternative No. 1. This alternative consisted of leaving the regulation (§ 4.39(i)) as currently stated.

Alternative No. 2. This alternative proposed to eliminate the regulation, § 4.39(i), and therefore, any brand name found to be misleading without being qualified by the word "brand" would, under § 4.33(b), no longer be allowed to appear on labels of wine.

Alternative No. 3. This alternative would amend the type size requirement for the word "brand." Instead of the word "brand" appearing in the same size type as the brand name, it would only be required to appear in type of at least one-half the size of the brand name, but no smaller than two millimeters. The other requirements as stated in § 4.39(i) would remain the same.

Alternative No. 4. This was the alternative proposed by ATF. A brand name of viticultural significance may not be used unless: The bottling winery is located within the geographical area used in the brand name, and the wine meets the appellation of origin requirements for the geographical area name, *or*; the brand name is qualified by the word "brand" immediately following the brand name in the same size of type and as conspicuous as the brand name itself, *or*; the wine is labeled with an

appellation of origin that is either a county or viticultural area if the geographic area named in the brand name is other than a state name and is a name to which the wine is not entitled as an appellation of origin, *or*; the wine is labeled with an appellation of origin that is a state name, county name, or viticultural area name, if the brand name contains a state name to which the wine is not entitled as an appellation of origin, *or*; the wine is labeled with a statement which the Director finds to be sufficient to dispel the impression that the geographic term used in the brand name is an appellation of origin.

The comment period for Notice No. 522 closed on July 6, 1984. It was extended until September 14, 1984, as a result of Notice No. 534 (July 12, 1984; 49 FR 28417), and extended again, until January 2, 1985, as a result of Notice No. 542 (September 4, 1984; 49 FR 34847).

Analysis of Comments

In response to Notice Nos. 522, 534 and 542, ATF received 26 comments. The majority of the commenters (17) favored Alternative Nos. 2 and 4. Nine commenters (representing mostly foreign interests) were in favor of Alternative No. 2. Most of the eight commenters favoring Alternative No. 4, represented domestic interests.

Most commenters favoring Alternative No. 2 believed that ATF's proposed Alternative No. 4 encouraged misleading brand names. For example, it was believed that a brand name of geographical significance, such as "Rheinhessen," would be acceptable as long as an appellation of origin (such as "The Hamptons") appeared on the label. In that regard, however, ATF would not approve "Rheinhessen" as a brand name on a label for wine other than from Germany, in accordance with 27 CFR 4.24(c) and 4.39(k).

One commenter, favoring Alternative No. 2, stated that Alternative No. 4 would allow "the possibility of using two appellations of origin, one which is truthful and one which is a brand name and thus misleading. The consumer would not be able to tell which is the truthful appellation."

Commenters favoring Alternative No. 2 also referred to various international resolutions and agreements, supported by the U.S., concerning protection of non-generic designations of origin. One specific reference was the exchange of letters (July, 1983) between the EEC Commission and the U.S. In their letter, the EEC noted with satisfaction the willingness of the U.S. to work within the framework of § 4.24(c)(3) to prevent "erosion" of non-generic designations of

geographic significance indicating a wine-growing area in the EEC.

Basically, proponents of Alternative No. 4 believed that this alternative offered maximum flexibility to the industry while affording maximum protection to the consumer. As one commenter stated, the consumer is assured "that no misleading impression can be conveyed, either because the brand name correctly identifies the origin of the wine, or because the label contains one of a variety of definite statements sufficient to dispel the impression that the brand name refers to the origin of the wine." At the same time, industry is afforded several alternatives in lieu of having to use the "aesthetically unattractive" word "brand." In addition, this commenter noted that the word "brand" "would not resolve the question of misleading consumer information."

Final Rule

ATF believes that the brand name, usually the most prominent item on a wine label, in certain instances conveys information to the consumer. In the case of a geographic brand name of viticultural significance, ATF believes that such a name on a label indicates the origin of the wine, that is, the place where the grapes were grown. This was brought out in the comments received in response to Notice No. 522.

In addition, as mentioned earlier, some commenters believed that use of the word "brand" did not dispel any misleading impression that could be conveyed by a brand name of viticultural significance where the wine did not meet the appellation of origin requirements for the geographic area named.

Therefore, with the effective date of this final rule, a brand name of viticultural significance may not be used unless the wine meets the appellation of origin requirements of § 4.25a for the geographic area named. Further, the word "brand" may not be used on labels where the wine does not meet the appellation of origin requirements for the area named in the brand name. For example, the word "brand" may not be used with the brand name "Carmel Valley Vineyards" if the wine does not meet the appellation of origin requirements for Carmel Valley.

For certificates of label approval issued prior to the effective date of this final rule, the wine shall meet the appellation of origin requirements for the geographic area named in the brand name, *or*; the wine shall be labeled with an appellation of origin in accordance with § 4.34(b) as to location and size of

type of either: (A) A county or a viticultural area, if the brand name bears the name of a geographic area smaller than a state, or (B) a state or county appellation of origin or a viticultural area, if the brand name bears a state name, or; the wine shall be labeled with some other statement which the Director finds to be sufficient to dispel the impression that the geographic area suggested by the brand name is indicative of the origin of the wine.

As with new certificates of label approval, the word "brand" may not be used on labels where the wine does not meet the appellation of origin requirements for the area named in the brand name. ATF will be reviewing existing certificates of label approval to insure that the requirements of the new regulation are met.

ATF has reconsidered its position regarding the location of the bottling winery when a geographic brand name of viticultural significance is used. Under § 4.39(i), as well as ATF's proposed Alternative No. 4 in Notice No. 522, the bottling winery had to be located in the geographic area indicated in the brand name. By definition, an appellation of origin indicated where the grapes (fruit) are grown. There is no reference or requirement as to the location of the bottling winery. Only under the requirements of § 4.26 ("estate bottled") is the location of the bottling winery a factor. Therefore, unless otherwise required, when a geographic brand name of viticultural significance is used, the bottling winery need not be located in the geographic area named.

ATF believes that this final rule will provide industry with sufficient flexibility in designing their labels, while at the same time providing consumers with protection from any misleading impressions that might arise from the use of geographic brand names.

Executive Order 12291

In compliance with Executive Order 12291, ATF has determined that this final rule is not a "major rule" since it will not result in:

- (a) An annual effect on the economy of \$100 million or more;
- (b) A major increase in costs or prices for consumers, individual industries, Federal, state, or local government agencies, or geographic regions; or
- (c) Significant adverse effect on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

Regulatory Flexibility Act

The provisions of the Regulatory Flexibility Act relating to a final regulatory flexibility analysis (5 U.S.C. 604) are not applicable to this final rule because it will not have a significant economic impact on a substantial number of small entities. The final rule will not impose, or otherwise cause, a significant increase in reporting, recordkeeping, or other compliance burdens on a substantial number of small entities. The final rule is not expected to have significant secondary or incidental effects on a substantial number of small entities.

Accordingly, it is hereby certified under the provisions of section 3 of the Regulatory Flexibility Act (5 U.S.C. 605(b)) that this final rule will not have a significant economic impact on a substantial number of small entities.

Paperwork Reduction Act

The collection of information contained in this final rule has been reviewed and approved by the Office of Management and Budget (OMB).

Disclosure

Copies of the petition, the notices of proposed rulemaking, all written comments, and this final rule will be available for public inspection during normal business hours at: Office of Public Affairs and Disclosure, Room 4406, Federal Building, 12th and Pennsylvania Avenue NW., Washington, DC.

List of Subjects in 27 CFR Part 4

Advertising, Consumer protection, Customs duties and inspection, Imports, Labeling, Packaging and containers, Wine.

Drafting Information

The principal author of this document is James P. Ficaretta, FAA, Wine and Beer Branch, Bureau of Alcohol, Tobacco and Firearms.

Authority and Issuance

PART 4—[AMENDED]

27 CFR Part 4, Labeling and advertising of wine is amended as follows:

Par. 1. The authority citation for 27 CFR Part 4 continues to read as follows:

Authority: 27 U.S.C. 205.

Par. 2. Section 4.39 is amended by revising paragraph (i) to read as follows:

§ 4.39 Prohibited practices.

- • • • •
- (i) *Geographic brand names.*

(1) Except as provided in subparagraph 2, a brand name of viticultural significance may not be used unless the wine meets the appellation of origin requirements for the geographic area named.

(2) For brand names used in existing certificates of label approval issued prior to (effective date of final rule):

(i) The wine shall meet the appellation of origin requirements for the geographic area named; or

(ii) The wine shall be labeled with an appellation of origin in accordance with § 4.34(b) as to location and size of type of either:

(A) A county or a viticultural area, if the brand name bears the name of a geographic area smaller than a state, or;

(B) A state, county or a viticultural area, if the brand name bears a state name; or

(iii) The wine shall be labeled with some other statement which the Director finds to be sufficient to dispel the impression that the geographic area suggested by the brand name is indicative of the origin of the wine.

(3) A name has viticultural significance when it is the name of a state or county (or the foreign equivalents), when approved as a viticultural area in Part 9 of this chapter, or by a foreign government, or when found to have viticultural significance by the Director.

* * * * *

§ 4.34 [Amended]

Par. 3. Section 4.34(b)(3) is amended by deleting the reference to "brand name" and "§ 4.39(i)".

Signed: March 14, 1986.
Stephen E. Higgins,
Director.

Approved: May 16, 1986.
Francis A. Keating II,
Assistant Secretary, (Enforcement and Operations).
[FR Doc. 86-12674 Filed 6-4-86; 8:45 am]
BILLING CODE 4810-31-M

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 117

[CGD 12-86-01]

Drawbridge Operation Regulations; Sacramento River, CA

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

SUMMARY: At the request of the California Department of Transportation, the Coast Guard is changing the regulations governing the Butte City bridge across the Sacramento River, mile 169.7, at Butte City, California to provide that the draw need not open. This change is being made because no requests have been made to open the draw since the bridge was completed in 1949. This action will relieve the bridge owner of the burden of maintaining the machinery and of having a person available to open the draw, and still provide for the reasonable needs of navigation. The Coast Guard is also deleting the 1972 requirement that the draws above Chico Landing be returned to operable condition within six months after notification by the District Commander.

EFFECTIVE DATE: July 7, 1986.

FOR FURTHER INFORMATION CONTACT: Rose E. Guerra, Assistant Chief, Bridge Section, Aids to Navigation Branch (telephone: (415) 437-3514).

SUPPLEMENTARY INFORMATION: On Thursday, March 6, 1986 the Coast Guard published proposed rules (51 FR 7913) concerning this amendment. The Commander, Twelfth Coast Guard District, also published the proposal as a Public Notice dated 10 April 1986. Interested persons were given until 21 April 1986 to submit comments on the proposed rule. Interested persons were given until 9 May 1986 to submit comments on the public notice.

Drafting Information

The drafters of these regulations are Rose E. Guerra, project officer, and Lieutenant Commander Peter K. Mitchell, project attorney.

Discussion of Comments

Three comments were received. The Corps of Engineers and California State Resources Agency had no comment. California Department of Transportation was in favor of the proposal.

Economic Assessment and Certification

These regulations are considered to be non-major under Executive Order 12291 on Federal Regulations and non-significant under the Department of Transportation regulatory policies and procedures (44 FR 11034; February 26, 1979).

The economic impact has been found to be so minimal that a full regulatory evaluation is unnecessary. There have not been any requests for openings since the bridge was constructed so there will not be any impact on navigation.

Since the economic impact of these regulations is expected to be minimal,

the Coast Guard certifies that they will not have a significant economic impact on substantial number of small entities.

List of Subjects in 33 CFR Part 117

Bridges.

Regulations

In consideration of the foregoing, the Coast Guard is amending Part 117 of Title 33, Code of Federal Regulations as follows:

PART 117—DRAWBRIDGE OPERATION REGULATIONS

1. The authority citation for Part 117 continues to read as follows:

Authority: 33 U.S.C. 499; 49 CFR 1.46 and 33 CFR 1.05-1(g).

2. Section 117.189(b) and (c) are revised to read as follows:

§ 117.189 Sacramento river.

(b) The draws of the California Department of Transportation bridges, mile 90.1 at Knights Landing, and mile 135.5 at Meridian, shall open on signal if at least 12 hours notice is given to the California Department of Transportation at Marysville.

(c) The draws of the bridges above Meridian need not be opened for the passage of vessels.

Dated: May 21, 1986.

John D. Costello,
Vice Admiral, U.S. Coast Guard, Commander,
Twelfth Coast Guard District.

[FR Doc. 86-12665 Filed 6-4-86; 8:45 am]

BILLING CODE 4910-14-M

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

45 CFR Part 1177

Claims Collection

AGENCY: National Endowment for the Humanities.

ACTION: Final rule.

SUMMARY: This final rule implements the Federal Claims Collection Act of 1966 and the Debt Collection Act of 1982. It is consistent with regulations issued jointly by the Department of Justice and the General Accounting Office at 4 CFR 101-105 as amended by 49 FR 8889. This rule will enhance the Endowment's ability to collect debts by providing guidance to officers and employees charged with debt collection responsibilities. In addition, the rule provides notice to those with delinquent accounts of agency claims collection practices.

EFFECTIVE DATE: July 7, 1986.

FOR FURTHER INFORMATION CONTACT:

Stephen J. McCleary, Deputy General Counsel, 1100 Pennsylvania Avenue NW., Washington, DC 20506, (202) 786-0322.

SUPPLEMENTARY INFORMATION: The National Endowment for the Humanities published a proposed rule for claims collection in the *Federal Register* on March 18, 1986, 51 FR 9228-9230.

Interested parties were asked to submit comments within 30 days. The National Endowment for the Humanities received several comments. The comments suggested that the Endowment include provisions to: collect administrative costs for processing claims; assess penalty charges; and offset the salaries of Endowment employees who have delinquent accounts. The National Endowment for the Humanities has adopted these suggestions. Provisions to charge for administrative expenses incurred in processing claims and to assess penalty charges have been added at section 1177.7 of this rule. The National Endowment for the Humanities will include employee salary offset provisions by amending this rule at a future date.

E.O. 12291

This rule does not require a Regulatory Impact Analysis because it is not a "major rule" as defined in Executive Order 12291, dated February 17, 1981 because it is unlikely to result in an annual effect on the economy of \$100 million or more, a major increase in costs or prices for consumers, individual industries, Federal, state, or local government agencies or geographical regions, or a significant adverse effect on competition, employment, investment, productivity, innovation or on the ability to compete with foreign-based enterprises in domestic or export markets.

Regulatory Flexibility Act

I certify under 5 U.S.C. 605(b) that this rule will not have a significant economic impact on a substantial number of small entities including small businesses, small organizations and small local governments. Accordingly, a regulatory flexibility analysis is not required by 5 U.S.C. 603.

Reporting and Recordkeeping Requirements

The proposed rule would establish no burdens as defined under the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 et seq.). These regulations impose no new reporting or recordkeeping requirements

that must be cleared by the Office of Management and Budget.

List of Subjects in 45 CFR Part 1177

Administrative practice and procedures, Claims, Government employees, Privacy.

Approved:

Lynne Cheney,
Chairperson.

Title 45 of the Code of Federal Regulations, Chapter XI, is amended by adding a new Part 1177 to read as follows:

PART 1177—CLAIMS COLLECTION

Sec.

- 1177.1 Purpose and scope.
- 1177.2 Definitions.
- 1177.3 Other remedies.
- 1177.4 Claims involving criminal activity or misconduct.
- 1177.5 Collection.
- 1177.6 Notices to debtor.
- 1177.7 Interest, Penalties, and Administrative Costs.
- 1177.8 Administrative offset.
- 1177.9 Use of credit reporting agencies.
- 1177.10 Collection services.
- 1177.11 Referral to the Department of Justice or the General Accounting Office.
- 1177.12 Compromise, suspension and termination.
- 1177.13 Omissions not a defense.
- 1177.14-1177.99 [Reserved].

Authority: 31 U.S.C. 3711, 3716-3719.

§ 1177.1 Purpose and scope.

This part prescribes standards and procedures for officers and employees of the National Endowment for the Humanities who are responsible for the collection and disposition of debts owed to the United States. The authority for this part is the Federal Claims Collection Act of 1966, as amended, 31 U.S.C. 3711 and 3716-3719; the Federal Claims Collection Standards at 4 CFR Parts 101-105, as amended by 49 FR 8889, 5 U.S.C. 552a, and Office of Management and Budget Circular A-129. The activities covered include: collecting claims in any amount; compromising claims, or suspending or terminating the collection of claims that do not exceed \$20,000 exclusive of interest and charges, and referring debts that cannot be disposed of by the Endowment to the Department of Justice or to the General Accounting Office for further administrative action or litigation.

§ 1177.2 Definitions.

For the purpose of this part the following definitions will apply:

(a) "Claim" or "debt" means an amount of property owed to the United States. These include but are not limited

to: overpayments to program beneficiaries; overpayments to contractors and grantees, including overpayments arising from audit disallowances; excessive cash advances to grantees and contractors; and civil penalties and assessments. A debt is overdue or delinquent if it is not paid by the due date specified in the initial notice of the debt (see sec. 1177.6 of this part) or if the debtor fails to satisfy his or her obligation under a repayment agreement.

(b) "Debtor" means an individual, organization, group, association, partnership, or corporation indebted to the United States, or the person or entity with legal responsibility for assuming the debtor's obligation.

(c) "Endowment" means the National Endowment for the Humanities.

(d) "Administrative offset" means satisfying a debt by withholding money payable by the United States to or held by the United States for a debtor.

§ 1177.3 Other remedies.

The remedies and sanctions available to the National Endowment for the Humanities under this part are not intended to be exclusive. The Chairperson of the National Endowment for the Humanities or his designee may impose other appropriate sanctions upon a debtor for prolonged or repeated failure to pay a debt. For example, the Chairperson or his designee may place the debtor's name on a list of debarred, suspended, or ineligible grantees and contractors, convert the method of payment under a grant from an advance to a reimbursement method, or revoke a grantee's letter of credit. In such cases the debtor will be advised of the Endowment's action.

§ 1177.4 Claims involving criminal activity or misconduct.

(a) A debtor whose indebtedness involves criminal activity such as fraud, embezzlement, theft, or misuse of government funds or property is subject to punishment by fine or imprisonment as well as to a civil claim by the United States for compensation for the misappropriated funds. The Endowment will refer these cases to the appropriate law enforcement agency for prosecution.

(b) Debts involving fraud, false, claims, or misrepresentation shall not be compromised, terminated, suspended, or otherwise disposed of under this rule. Only the Department of Justice is authorized to compromise, terminate, suspend, or otherwise dispose of such debts.

§ 1177.5 Collection.

(a) The Endowment will take aggressive action to collect debts and reduce delinquencies. Collection efforts shall include sending to the debtor's last known address a total of three progressively stronger written demands for payment at not more than 30 day intervals. When necessary to protect the Government's interest, written demand may be preceded by other appropriate action, including immediate referral for litigation. Other contact with the debtor or his or her representative or guarantor by telephone, in person and/or in writing may be appropriate to demand prompt payment, to discuss the debtor's position regarding the existence, amount and repayment of the debt, and to inform the debtor of his or her rights and the effect of nonpayment or delayed payment. A debtor who disputes a debt must promptly provide available supporting evidence.

(b) If a debtor is involved in insolvency proceedings, the debt will be referred to the appropriate United States Attorney to file a claim. The United States may have a priority over other creditors under 31 U.S.C. 3713.

§ 1177.6 Notice to debtor.

The first written demand for payment must inform the debtor of the following:

- (a) The amount and nature of the debt;
- (b) The date payment is due, which will generally be 30 days from the date the notice was mailed;
- (c) The assessment of interest under § 1177.7 from the date the notice was mailed if payment is not received within the 30 days;
- (d) The right to dispute the debt;
- (e) The office, address and telephone number that the debtor should contact to discuss repayment and reconsideration of the debt and;
- (f) The sanctions available to the National Endowment for the Humanities to collect a delinquent debt including, but not limited to, referral of the debt to a credit reporting agency, a private collection bureau, or the Department of Justice for litigation.

§ 1177.7 Interest, penalties, and administrative costs.

(a) Interest will accrue on all debts from the date when the first notice of the debt and the interest requirement is mailed to the last known address or hand-delivered to the debtor if the debt is not paid within 30 days from the date the first notice was mailed. The Endowment will charge an annual rate of interest that is equal to the average investment rate for the Treasury tax and loan accounts on September 30 of each

year, rounded to the nearest whole per centum. This rate, which represents the current value of funds to the United States Treasury, may be revised quarterly by the Secretary of the Treasury and is published by the Secretary of the Treasury annually or quarterly in the Federal Register and the Treasury Financial Manual Bulletins.

(b) The rate of interest initially assessed will remain fixed for the duration of the indebtedness, except that if a debtor defaults on a repayment agreement interest may be set at the Treasury rate in effect on the date a new agreement is executed.

(c) The Endowment shall charge debtors for administrative costs incurred in handling overdue debts.

(d) Interest will not be charged on administrative costs.

(e) The Endowment shall assess a penalty charge, not to exceed 6 per cent per year on debts which have been delinquent for more than 90 days. This charge shall accrue from the date that the debt became delinquent.

(f) The Chairperson or his designee may waive in whole or in part the collection of interest and administrative and penalty charges if determined that collection would be against equity or not in the best interests of the United States. The Endowment shall waive the collection of interest on the debt or any part of the debt which is paid within 30 days after the date on which interest began to accrue.

§ 1177.8 Administrative offset.

(a) The Endowment may collect debts owed by administrative offset if:

- (1) The debt is certain in amount;
- (2) Efforts to obtain direct payment have been, or would most likely be unsuccessful, or the Endowment and the debtor agree to the offset;
- (3) Offset is cost effective or has significant deterrent value; and
- (4) Offset is best suited to further and protect the Government's interest.

(b) The Endowment may offset a debt owed to another Federal agency from amounts due or payable by the Endowment to the debtor or request another Federal agency to offset a debt owed to the Endowment;

(c) Prior to initiating administrative offset, the National Endowment for the Humanities will send the debtor written notice of the following:

(1) The nature and amount of the debt and the debtor's intention to collect the debt by offset 30 days from the date the notice was mailed if neither payment nor a satisfactory response is received by that date;

(2) The debtor's right to an opportunity to submit a good faith

alternative repayment schedule to inspect and copy agency records pertaining to the debt, to request a review of the determination of indebtedness; and to enter into a written agreement to repay the debt and;

(3) The applicable interest.

(d) The National Endowment for the Humanities may effect an administrative offset against a payment to be made to a debtor prior to the completion of the procedures required by paragraph (c) of this section if:

(1) Failure to offset would substantially prejudice the Government's ability to collect the debt and

(2) The time before the payment is to be made does not reasonably permit completion of those procedures.

§ 1177.9 Use of credit reporting agencies.

(a) The Endowment may report delinquent accounts to credit reporting agencies consistent with the notice requirements contained in the § 1177.6 of this part. Individual debtors must be given at least 60 days written notice that the debt is overdue and will be reported to a credit reporting agency.

(b) Debts may be reported to consumer or commercial reporting agencies. Consumer reporting agencies are defined in 31 U.S.C. 3701(a)(3) pursuant to 5 U.S.C. 552a(b)(12) and 31 U.S.C. 3711(f). The Endowment may disclose only an individual's name, address, social security number, and the nature, amount, status and history of the debt and the program under which the claim arose.

§ 1177.10 Collection services.

(a) The Endowment may contract for collection services to recover outstanding debts. The Endowment may refer delinquent debts to private collection agencies listed on the schedule compiled by the General Services Administration. In such contracts, the National Endowment for the Humanities will retain the authority to resolve disputes, compromise claims, terminate or suspend collection, and refer the matter to the Department of Justice or the General Accounting Office.

(b) The contractor shall be subject to the disclosure provisions of the Privacy Act of 1974, as amended (5 U.S.C. 552a(m)), and to applicable federal and state laws and regulations pertaining to debt collection practices, including the Fair Debt Collection Practices Act, 15 U.S.C. 1692. The contractor shall be strictly accountable for all amounts collected.

(c) The contractor shall be required to provide to the Endowment any data

contained in its files relating to the debt account upon agency request or upon returning an account to the Endowment for referral to the Department of Justice for litigation.

§ 1177.11 Referral to the Department of Justice or the General Accounting Office.

Debts over \$600 but less than \$100,000 which the Endowment determines can neither be collected nor otherwise disposed of will be referred for litigation to the United States Attorney in whose judicial district the debtor is located. Claims for amounts exceeding \$100,000 shall be referred for litigation to the Commercial Litigation Branch, Civil Division of the Department of Justice.

§ 1177.12 Compromise, suspension and termination.

(a) The Chairperson of the National Endowment for the Humanities or his designee may compromise, suspend or terminate the collection of debts where the outstanding principal is not greater than \$20,000. Endowment procedures for writing off outstanding accounts are available to the public.

(b) The Chairperson of the National Endowment for the Humanities may compromise, suspend or terminate collection of debts where the outstanding principal is greater than \$20,000 only with the approval of, or by referral to the United States Attorney or the Department of Justice.

(c) The Chairman of the National Endowment for the Humanities will refer to the General Accounting Office (GAO) debts arising from GAO audit exceptions.

§ 1177.13 Omissions not a defense.

Failure to comply with any provisions of this rule may not serve as a defense to any debtor.

§ 1177.14-1177.99 [Reserved]

[FR Doc. 86-12671 Filed 6-4-86; 8:45 am]

BILLING CODE 7536-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Public Health Service

48 CFR Parts PHS 301, 304, 305, 306, 314, 315, 323, 333, 335, 336, 352, and 380

Acquisition Regulation; Amendments

AGENCY: Public Health Service (PHS), HHS.

ACTION: Final rule; amendments.

SUMMARY: This rule amends the final rule with request for comments published in the Federal Register on

September 14, 1984 (49 FR 36236-36270) that established the Public Health Service Acquisition Regulation (PHSAR) as Appendix A to the Department of Health and Human Services Acquisition Regulation (HHSAR), Chapter 3 of Title 48, Code of Federal Regulations (49 FR 13960, April 9, 1984). The PHSAR implements and supplements the HHSAR and the Federal Acquisition Regulation (FAR), Title 48 CFR Chapter 1. The amendments being made in this rule reflect comments made by two respondents; administrative, clerical, and typographical corrections disclosed internally; changes resulting from the Competition in Contracting Act of 1984, Title VII of Pub. L. 98-369; and the transfer of construction and architect-engineer acquisition responsibilities from the Office of the Secretary, Health and Human Services (HHS), to the Public Health Service (PHS).

EFFECTIVE DATE: June 5, 1986.

FOR FURTHER INFORMATION CONTACT: Charleen Kelly (Procurement Analyst), (301) 443-2710.

SUPPLEMENTARY INFORMATION: The final rule published on September 14, 1984, requested comments from interested parties. Two responses were received and both indicated that the regulations concerning human subjects and care of laboratory animals were outdated. As a result, the program office responsible for these policies revised the regulations in the PHSAR to bring them into compliance with existing practices and regulations, and the revised material is included in this document.

Other amendments, including addition of a Part PHS 306, Competition Requirements, are a result of the Competition in Contracting Act of 1984 and its implementation in the FAR and HHSAR. Construction and architect-engineer coverage, originally published as Subpart 323.70 of the HHSAR, is added to the PHSAR because of a transfer of construction and architect-engineer acquisition responsibilities from the Office of the Secretary, HHS, to PHS. The remaining amendments correct administrative, clerical and typographical errors.

The provisions of this regulation are issued under 5 U.S.C. 301; 40 U.S.C. 486(c).

List of Subjects in 48 CFR Parts PHS 301, 304, 305, 306, 314, 315, 323, 333, 352, and 380

Government procurement.

Accordingly, the Department of Health and Human Services amends 48 CFR Chapter 3, Appendix A, as set forth below.

Dated: May 29, 1986.

Henry G. Kirschenmann, Jr.,
Deputy Assistant Secretary for Procurement,
Assistance and Logistics.

As indicated in the preamble, Appendix A to Chapter 3, of Title 48, Code of Federal Regulations, is amended as shown.

1. The authority citation for Parts PHS 301, 304, 305, 306, 314, 315, 323, 333, 352, and 380 continues to read as follows:

Authority: 5 U.S.C. 301; 40 U.S.C. 486(c).

PART PHS 301—[AMENDED]

PHS 301.105 [Amended]

2. Section PHS 301.105 is amended by revising the table to read as follows:

PHSAR segment	OMB control No.
All segments (excluding PHS 352.223-70 and PHS 252.232-70).....	0990-0128
PHS 352.223-70.....	0990-0137
PHS 352.232-70.....	0990-0134

PHS 301.270 [Amended]

3. Section PHS 301.270 is amended by removing the words "Acquisition Management Advisory Committee (AMAC)" in the title and first sentence of paragraph (a), and inserting, in their place, the words "Procurement Management Advisory Committee (PMAC)." In paragraph (b), the acronym "AMAC" is removed, and the acronym "PAMAC" is inserted in its place.

PHS 301.470 [Amended]

4. Paragraph (b) of section PHS 301.470 is amended by inserting the words "in addition to the information required by 301.470(b)" after the word "following" and before the semicolon. In addition paragraphs (b) (1), (2), and (5) of section PHS 301.470 are removed, and paragraphs (b) (3) and (4) are renumbered as PHS 301.470(b)(1) and PHS 301.470(b)(2) respectively.

PART PHS 304—[AMENDED]

PHS 304.670-1 [Amended]

5. Section PHS 304.670-1 is amended by removing the words after "are responsible" and inserting, in their place, the words "for ensuring that all required information is collected,

submitted, and received into the PHSCIS in accordance with the central PHSCIS User Manual."

6. Section PHS 304.7101 is amended as follows:

a. Paragraph (b)(2)(i) is revised to read as follows:

PHS 304.7101 Contracts requiring review and approval.

(b)(2)(i) In addition to the reviews required by 304.7101(a) and PHS 304.7101(c), internal reviews are to be conducted of acquisitions made by the following contracting offices in the National Institutes of Health for contract awards that fall below the dollar threshold for review and approval set forth in PHS 304.7101(c) but exceed the dollar threshold set forth herein:

National Cancer Institute—\$750,000

National Heart, Lung, and Blood

Institute—\$500,000

National Institute of Environmental Health Sciences—\$250,000

National Institute of Allergy and Infectious Diseases—\$250,000

National Institute of Child Health and Human Development—\$250,000

Centralized procuring activity for all other National Institutes of Health Research Organizations (Research Contracts Branch)—\$250,000

These internal reviews shall be conducted by senior personnel with each contracting office. Typically, the chief of contracting office or his/her deputy should be involved in the review. Personnel involved in the contract action shall not perform the review. Each review shall be documented in writing, and any substantive issues identified shall be resolved prior to award.

b. A new paragraph (b)(2)(iii) is added as follows:

(iii) Contract awards and modifications of proposed architect-engineer contracts expected to exceed \$50,000 shall be reviewed and approved prior to award by the reviewing official designated in PHS 304.7101(c).

c. In paragraph (c), the chart showing the reviewing officials and the dollar thresholds for preaward contract review is revised to read as follows:

Review and approval required for contracts expected to exceed	PHS acquisition activity	Reviewing official
Office of the Assistant Secretary for Health		
\$300,000	Administrative Services Center, Office of Management	Director, Administrative Services Center.
Alcohol, Drug Abuse and Mental Health Administration		
300,000	National Institute on Drug Abuse	Director, Division of Grants and Contracts Management.
300,000	National Institute on Alcohol Abuse and Alcoholism	Do.
300,000	National Institute of Mental Health	Do.
300,000	St Elizabeths, Hospital, NIMH	Do.
50,000	Addiction Research Center	Do.
Centers for Disease Control		
300,000	Centers for Disease Control	Director, Procurement and Grants Office.
Food and Drug Administration		
300,000	Division of Contracts and Grants Management	Director, Division of Contracts and Grants Management.
300,000	National Center for Toxicological Research	Do.
National Institutes of Health		
1,500,000	National Cancer Institute	Director, Division of Contracts and Grants.
1,000,000	National Heart, Lung, and Blood Institute	Do.
National Institutes of Environmental Health Sciences		
1,000,000	Research and development awards	Do.
100,000	Other than research and development	Director, Division of Procurement.
750,000	National Institute of Child Health and Human Development	Director, Division of Contracts and Grants.
750,000	National Institute of Allergy and Infectious Diseases	Do.
500,000	National Institute of Neurological and Communicative Disorders and Stroke	Do.
National Library of Medicine		
500,000	Research and development awards	Director, Division of Contracts and Grants.
250,000	Other than research and development	Director, Division of Procurement.
250,000	National Institute of Dental Research	Director, Division of Contracts and Grants.
250,000	National Institute of Arthritis, Metabolism and Digestive Diseases	Do.
750,000	Centralized procuring activity for all other National Institutes of Health Research Organizations	Do.
250,000	Procurement Branch, Division of Procurement, ORS	Director, Division of Procurement.
Health Resources and Services Administration		
500,000	Awards made by Headquarters and the Indian Health Service	Director, Division of Grants and Procurement Management.
300,000	Awards made by other than Headquarters and the Indian Health Service	Do.

7. A new Part PHS 305 is added to read as follows:

PART PHS 305—PUBLICIZING CONTRACT ACTIONS

Authority: 5 U.S.C. 301; 40 U.S.C. 486(c).

Subpart PHS 305.2—Synopsis of Proposed Contract Actions

PHS 305.202 Exceptions.

(b) A determination and finding has been executed by the Acting Assistant Secretary for Health after concurrence by the Administrator of the Office of Federal Procurement Policy and the Administrator of the Small Business Administration, which exempts for the period September 30, 1985 through September 29, 1988, certain acquisitions with the National Academy of Sciences (NAS) from the synopsis requirements set forth in FAR 5.201. This exemption is applicable only to acquisitions where NAS is the only source which can provide the measure of expertise, independence, objectivity, and audience

acceptance necessary to meet the program requirements. To ensure that this exemption will be used only when appropriate, the agency competition advocate shall certify, prior to award, each acquisition with NAS which is not synopsisized regardless of the dollar value. The certification must state that only NAS can provide the measure of expertise, independence, objectivity, and audience acceptance necessary to meet the program needs.

8. A new Part PHS 306 is added to read as follows:

PART PHS 306—COMPETITION REQUIREMENTS

Subpart PHS 306.3—Other Than Full and Open Competition

Sec.

PHS 306.304 Approval of the justification.

Subpart PHS 306.5—Competition Advocates

PHS 306.502 Duties and responsibilities.

Authority: 5 U.S.C. 301; 40 U.S.C. 486(c).

Subpart PHS 306.3—Other Than Full and Open Competition

PHS 306.304 Approval of the justification.

(a)(3) The Deputy Assistant Secretary for Health, Operations, PHS, is designated as the approving official referenced in FAR 6.304(a)(3) and 306.304(a)(3).

Subpart PHS 306.5—Competition Advocates

PHS 306.502 Duties and responsibilities

(b) The competition advocates for the PHS activities shall coordinate their efforts with the PHS competition advocate, the Deputy Assistant Secretary for Health Operations.

PART PHS 314—[AMENDED]

9. Paragraph PHS 314.406-3(g)(3) is revised to read as follows:

PHS 314.406-3 Other mistakes disclosed before award.

(g)(3) In addition to the requirement in 314.406-3(g)(3), a copy of the data required by FAR 14.406-3(g)(3) shall be sent to the Office of General Counsel, Business and Administrative Law Division, Parklawn Building, Room 17A-32, 5600 Fishers Lane, Rockville, MD 20857. An information copy of the contracting officer's written statement of facts and circumstances shall be provided to the Contracts Management Branch, DGC/ORM/OM/PHS.

10. Paragraph PHS 314.406-4(e)(2) is revised to read as follows:

PHS 314.406-4 Mistakes after award.

(e)(2) The data shall be submitted as prescribed in PHS 314.406-3(g)(3).

PHS 314.407-8 [Removed]

11. PHS 314.407-8 is removed in its entirety.

PHS 314.470 [Removed]

12. PHS 314.470 is removed in its entirety.

PART PHS 315—[REMOVED]

13. Part PHS 315 is removed in its entirety.

14. A new Part PHS 323 is added to read as follows:

PART PHS 323—ENVIRONMENT, CONSERVATION, AND OCCUPATIONAL SAFETY**Subpart PHS 323.70—Safety and Health**

Sec.

PHS 323.7000 Scope of subpart.

PHS 323.7001 General.

PHS 323.7002 Policy.

PHS 323.7003 Actions required.

PHS 323.7004 Contract clause.

PHS 323.7005 Solicitation notice—construction.

Authority: 5 U.S.C. 301; 40 U.S.C. 486(c).

Subpart PHS 323.70—Safety and Health**PHS 323.7000 Scope of subpart.**

This subpart prescribes the use of a safety and health clause in contracts involving hazardous material or operations, and procedures for developing and administering safety and health provisions.

PHS 323.7001 General.

Various statutes and regulations (e.g., Walsh-Healey Act; Service Contract Act) require adherence to minimum safety and health standards by contractors engaged in potentially hazardous work. Positive action to reduce accidents and conditions hazardous to health under all contracts

is in the Government's interest since the cost of such accident and health hazards is borne by the Government through higher prices and sometimes by direct indemnification of contractors against liability claims.

PHS 323.7002 Policy.

(a) The guidance contained in FAR Subpart 23.3 shall be used for hazardous material as the primary reference. When that guidance is judged insufficient or does not meet the safety and health situation in the instant acquisition, this subpart shall be followed.

(b) Whenever the performance of a contract will require use of hazardous materials or operations, the contracting activity shall require the prime contractor and subcontractors to:

(1) Provide protection for the life and health of PHS employees, contractor employees, other persons involved with work on PHS programs and projects, and the public;

(2) Avoid accidental work interruptions which could delay progress of PHS programs and project;

(3) Maintain controls for the prevention of damage and loss to property; and

(4) Accumulate and provide data necessary for analysis of risk and loss factors relating to PHS programs and projects.

PHS 323.7003 Actions required.

(a) *Contracting activities.* Contracting activities shall use the clause set forth in PHS 352.223-70 as a guide in developing appropriate safety and health clauses for use in prospective contracts involving the following:

(1) Services or products;

(2) Research, development, or test projects;

(3) Transportation of hazardous materials; and

(4) Construction, including construction of facilities on the contractor's premises.

(b) *Safety officers.* OPDIV safety officers shall advise and assist initiators of acquisition requests and contracting officers in:

(1) Determining whether safety and health provisions should be included in a prospective contract;

(2) Selecting or developing safety and health clause provisions for incorporation in a prospective contract;

(3) Evaluating a prospective contractor's safety and health programs; and

(4) Conducting post-award review and surveillance to the extent deemed necessary.

(c) *Initiators.* Initiators of acquisition requests for items described in paragraph (a) of this section shall:

(1) During the preparation of a request for contract, and in the RFP or IFB:

(i) Ensure that hazardous materials and operations to be utilized in the performance of the contract are clearly identified; and

(ii) Coordinate with the appropriate safety officer to ensure that all hazardous materials and operations are evaluated and that adequate safety requirements are established in the RFP or IFB.

(2) During the period of performance:

(i) Apprise the contracting officer of any noncompliance with safety and health provisions identified in the contract; and

(ii) Cooperate with the safety officer in conducting review and surveillance activities.

PHS 323.7004 Contract clause.

All contracts which require the use of hazardous materials or operations shall include a clause to provide adherence to minimum safety and health standards. The clause set forth in PHS 352.223-70 may be used or appropriately modified to meet the needs of the individual contract.

PHS 323.7005 Solicitation notice—construction.

The contracting officer shall include the clause in PHS 352.223-71 in all solicitations and resultant contracts for construction and construction services.

15. A new Part PHS 333 is added to read as follows:

PART PHS 333—PROTESTS, DISPUTES, AND APPEALS**Subpart PHS 333.1—Protests**

Sec.

PHS 333.102 General.

PHS 333.104 Protests to GAO.

PHS 333.105 Protests to GSCBA.

Authority: 5 U.S.C. 301; 40 U.S.C. 486(c).

Subpart PHS 333.1—Protests**PHS 333.102 General.**

The Division of Grants and Contracts (DGC), ORM/OM/PHS, will participate directly in the resolution of protests against PHS agencies when the Office of the Secretary, HHS, requests DGC involvement, or when DGC considers a protest action to be sensitive or controversial, or otherwise has an interest in the protest. In cases where DGC will participate, the cognizant PHS contracting office shall be notified. In those instances, all file materials and written statements normally forwarded

directly to the Departmental Protest Control Officer shall be forwarded to DGC, ORM/OM/PHS.

PHS 333.104 Protests to GAO.

(a) *General.* (2) A copy of the protest files shall be sent to the Office of General Counsel, Business and Administrative Law Division (OGC-BAL), Parklawn Building, Room 17A-32, 5600 Fishers Lane, Rockville, MD 20857. In addition, an information copy of the contracting officer's statement of facts required by 333.104(a)(2)(i) shall be sent to the Contracts Management Branch, DGC/ORM/OM/PHS.

(b) *Protests before award.* (1) The head of the contracting activity authority to approve the written finding required by FAR 33.104(b)(1) to authorize a contract award while a protest is pending, may be delegated to an organizational level no lower than the Executive Officer of each PHS Agency.

(4) The data shall be submitted as prescribed in PHS 333.104(a)(2).

(c) *Protests after award.* (1) The data shall be submitted as prescribed in PHS 333.104(a)(2).

(2) The head of the contracting activity authority to authorize contract performance notwithstanding a protest as set forth in FAR 33.104(c)(2), may be delegated to an organizational level no lower than the Executive Officer of each PHS Agency.

PHS 333.105 Protests to GSBGA.

(b) The copy of the protest file to be sent to OGC-BAL shall be sent to OGC-BAL, Parklawn Building, Room 17A-32, 5600 Fishers Lane, Rockville, MD 20857. In addition, an information copy of the contracting officer's statement of facts required by 333.105(b)(1) shall be sent to the Contracts Management Branch, DGC/ORM/OM/PHS.

16. A new Part PHS 335 is added as follows:

PART PHS 335—RESEARCH AND DEVELOPMENT CONTRACTING

Authority: 5 U.S.C. 301; 40 U.S.C. 486(c).

PHS 335.080 Special determinations and findings affecting research and development contracting.

The Assistant Secretary for Health shall sign individual and class determinations and findings for:

(a) Acquisition or construction of equipment or facilities on property not owned by the United States pursuant to 42 U.S.C. 241(a)(7); and

(b) Use of an indemnification provision in a research contract pursuant to 42 U.S.C. 241(a)(7).

17. A new Part PHS 336 is added as follows:

PART PHS 336—CONSTRUCTION AND ARCHITECT-ENGINEER CONTRACTS

Subpart PHS 336.6—Architect-Engineer Services

Sec.

PHS 336.680 Program of Requirements approval.

PHS 336.681 Funding.

Authority: 5 U.S.C. 301; 40 U.S.C. 486(c).

Subpart PHS 336.6—Architect-Engineer Services

PHS 336.680 Program of Requirements approval.

The programmatic and technical requirements for PHS design projects are established in a special document known as a Program of Requirements (POR). In the case of design projects involving the construction of new space, including new facilities, replacement facilities, and building additions, the contracting officer shall ensure that the Office of the Assistant Secretary for Health has approved, or waived approval of, a POR prior to the issuance of the synopsis or solicitation for architectural/engineering services.

PHS 336.681 Funding.

(a) The contracting officer shall ensure that the agency financial management officer has identified and certified that design funds have been appropriated and apportioned prior to the release of a synopsis or solicitation for architect-engineer services for the types of acquisitions specified in PHS 336.680. New facilities, replacement facilities, and building additions must only be acquired with funds appropriated for that specific project as evidenced by either (1) specific language in an appropriations act, or (2) Congressional appropriations intent as reflected in appropriations committee reports or Congressional budget justification.

(b) In the case of ADAMHA, FDA, HRSA, and NIH, the referenced agency financial management officer is the Director of the agency's Division of Financial Management. In the case of CDC, this official is the Director of the Financial Management Office. Subject to HRSA concurrence, funding for projects of the Indian Health Service/HRSA may be certified by the designated financial management officer within the IHS Office of Administration.

(c) The funding source certification shall include identification of the title, appropriation symbol, and fiscal year of the appropriation plus any relevant

project or activity description in the appropriation act or reports.

(d) In an unusual circumstance where time is critical, a synopsis or solicitation for architect-engineer services may be issued after the POR has been approved if the agency financial management officer certifies that appropriation and apportionment of proper funds as set forth in paragraph (a) above are expected within 60 days. In such cases, the synopsis or solicitation must specify that award is subject to the availability of funds. In these circumstances the contracting officer shall ensure that contract award is not made until the agency financial management officer has certified in writing that proper funds have been appropriated and apportioned. Other exceptions to the funding requirements set forth in paragraph (a) above, must be specifically approved in writing by the Office of the Assistant Secretary for Health prior to the release of a synopsis or solicitation for architect-engineer services for new facilities, replacement facilities, and building additions.

18. Subpart PHS 352.2 is amended to add sections PHS 352.223-70, PHS 352.223-71, and PHS 352.232-70:

PART PHS 352—SOLICITATION PROVISIONS AND CONTRACT CLAUSES

Subpart PHS 352.2—Texts of Provisions and Clauses

Sec.

PHS 352.223-70 Safety and health.

PHS 352.223-71 Safety and health—construction.

PHS 352.232-70 Additional payment provision.

* * *

Authority: 5 U.S.C. 301; 40 U.S.C. 486(c).

Subpart PHS 352.2—Texts of Provisions and Clauses

PHS 352.223-70 Safety and health.

The following clause is covered by the policy set forth in Subpart PHS 323.70 and is to be used in accordance with the instructions set forth in PHS 323.7002 and PHS 323.7003.

Safety and Health (APR 1984)

(a) In order to provide safety controls for protection to the life and health of employees and other persons; for prevention of damage to all property; and for avoidance of work interruptions in the performance of the contract; the Contractor will comply with the following standards: (Insert codes, standards, and criteria (including any applicable State and local requirements) prescribed by the Safety Officer.)

Further, the Contractor shall take or cause to be taken such additional safety measures

as the Contracting Officer may determine to be reasonably necessary; *Provided*, that, if compliance with such additional safety measures results in a material increase in the cost or time of performance of the contract, an equitable adjustment will be made in accordance with the clause of this contract entitled "Changes."

(b) Prior to commencement of work, the Contractor will submit in writing its plan for complying with the safety and health provisions of this contract, and will meet with the Contracting Officer or his/her designated representative to discuss and develop a mutual understanding relative to administration of the overall safety program.

(c) During the performance of work under this contract, the Contractor shall comply with all procedures prescribed by the Contracting Officer for the control and safety of persons visiting the job site and will comply with such requirements to prevent accidents as may be prescribed by the Contracting Officer.

(d) The Contractor will maintain an accurate record of, and report to the Contracting Officer in such manner as the Contracting Officer may prescribe, all accidents and incidents resulting in death, traumatic injury, occupational disease, and/or damage to all property incident to work performed under the contract.

(e) The Contracting Officer shall notify (if otherwise, confirm in writing) the Contractor of any noncompliance with the provisions of this clause and corrective action to be taken. After receipt of such notice, the Contractor shall immediately take such corrective action. (Such notice, when delivered to the Contractor or its representative at the site of the work, shall be deemed sufficient for the purpose.) If the Contractor fails or refuses to comply promptly, the Contracting Officer may issue an order stopping all or part of the work until satisfactory corrective action has been taken. No part of the time lost due to any such stop order shall be the subject of claim for extension of time or for costs or damages by the Contractor.

(f) The Contractor shall insert the substance of this clause in each subcontract involving the use of hazardous materials or operations. Compliance with the provisions of this clause by subcontractors will be the responsibility of the Contractor.

(End of clause)

PHS 352.223-71 Safety and health—construction.

The following clause shall be included in all solicitations and resultant contracts for construction and construction services, as required by PHS 323.7005.

Safety and Health—Construction (APR 1984)

Your attention is invited to the regulations issued by the Secretary of Labor pursuant to section 107 of the Contract Work Hours and Safety Standards Act (40 U.S.C. 333) entitled "Safety and Health Regulations for Construction" (29 CFR Part 1926). The Contractor is required to comply with the referenced regulations to the extent that the resultant contract involves construction.

(End of clause.)

PHS 352.232-70 Additional payment provision.

The following clause shall be included in all solicitations and resultant contracts for construction which contain the "Payments Under Fixed-Price Construction Contracts" clause set forth in FAR 52.232-4:

Additional Payment Provision (APR 1984)

Unless otherwise stated in this contract, there will be taken into consideration in computing progress payments material that will be incorporated into the structure if such material is delivered at the site, or is delivered to the Contractor and properly stored by it in a suitable warehouse, storage yard, or similar place either within 25 miles of the site or as otherwise approved by the Contracting Officer. Before each payment is made, the Contractor shall furnish to the Contracting Officer such evidence as he/she may require of the quantity and value of such material and that it will be incorporated into the structure. If such material is stored off the site, the Contractor shall also furnish to the Contracting Officer, before payment, properly executed bills of sale to the Government for the delivered material upon which such payment is to be made.

(End of clause)

19. Section PHS 352.280-1 is revised to read as follows:

PHS 352.280-1 Protection of human subjects.

The policy and procedures to be followed whenever individuals may be involved as subjects in research activities supported or conducted by the Department under a contract are provided in Subpart PHS 380.1 and 45 CFR Part 46, Protection of Human Subjects.

(a) The following provisions shall be included in solicitations expected to involve human subjects:

Notice to Offerors of Requirements of 45 CFR Part 46, Protection of Human Subjects (Sep 1985)

(a) Copies of the Department of Health and Human Services (Department) regulations for the protection of human subjects, 45 CFR Part 46, are available from the Office for Protection from Research Risks (OPRR), National Institutes of Health, Bethesda, Maryland 20892. The regulations provide a systematic means, based on established ethical principles, to safeguard the rights and welfare of individuals who participate as subjects in research activities supported or conducted by the Department.

(b) The regulations define a human subject as a living individual about whom an investigator (whether professional or student) conducting research obtains (1) data through intervention of interaction with the individual, or (2) identifiable private information. The regulations extend to the use of human organs, tissue, and body fluids

from individually identifiable human subjects as well as to graphic, written, or recorded information derived from individually identifiable human subjects. The use of autopsy materials is governed by applicable State and local law and is not directly regulated by 45 CFR Part 46.

(c) Activities in which the only involvement of human subjects will be in one or more of the categories set forth in 45 CFR 46.101(b)(1-6) are exempt from coverage.

(d) Inappropriate designations of the non-involvement of human subjects or of exempt categories of research in a project may result in delays in the review of a proposal. The Public Health Service will make a final determination of whether the proposed activities are covered by the regulations or are in an exempt category, based on the information provided in the proposal. In doubtful cases, *prior consultation with OPRR, (telephone: 301-496-7014), is recommended.*

(e) In accordance with 45 CFR Part 46, prospective Contractors being considered for award shall be required to file with OPRR an acceptable Assurance of Compliance with the regulations, specifying review procedures and assigning responsibilities for the protection of human subjects. The initial and continuing review of a research project by an institutional review board shall assure that the rights and welfare of the human subjects involved are adequately protected, that the risks to the subjects are reasonable in relation to the potential benefits, if any, to the subjects and the importance of the knowledge to be gained, and that informed consent will be obtained by methods that are adequate and appropriate. Prospective Contractors proposing research that involves human subjects shall be contacted by OPRR and given detailed instructions for establishing an institutional review board and filing an Assurance of Compliance.

(f) It is recommended that OPRR be consulted for advice or guidance concerning either regulatory requirements or ethical issues pertaining to research involving human subjects.

(End of provision)

(b) The following clause shall be included in contracts involving human subjects:

Protection of Human Subjects (Sep 1985)

(a) The Contractor agrees that the rights and welfare of human subjects involved in research under this contract shall be protected in accordance with 45 CFR Part 46 and with the Contractor's current Assurance of Compliance on file with the Office for Protection from Research Risks, National Institutes of Health, Public Health Service. The Contractor further agrees to provide certification at least annually that the institutional review board has reviewed and approved the procedures which involve human subjects in accordance with 45 CFR Part 46 and the Assurance of Compliance.

(b) The Contractor shall bear full responsibility for the performance of all work and services involving the use of human subjects under this contract in a proper

manner and as safely as is feasible. The parties hereto agree that the Contractor retains the right to control and direct the performance of all work under this contract. Nothing in this contract shall be deemed to constitute the Contractor or any subcontractor, agent or employee of the Contractor, or any other person, organization, institution, or group of any kind whatsoever, as the agency or employee of the Government. The Contractor agrees that it has entered into this contract and will discharge its obligations, duties, and undertakings and the work pursuant thereto, whether requiring professional judgement or otherwise, as an independent Contractor without imputing liability on the part of the Government for the acts of the Contractor or its employees.

(End of clause)

20. PHS 352.280-2 is revised to read as follows:

PHS 352.280-2 Care of laboratory animals.

The policies and procedures to be used when contracts involve live vertebrate animals are provided in Subpart PHS 380.2, and in the *PHS Policy on Humane Care and Use of Laboratory Animals by Awardee Institutions* and accompanying implementation instructions published in a special edition of the *NIH Guide for Grants and Contracts*, Vol. 14, No. 8, June 25, 1985.

(a) The following provision shall be included in solicitations expected to involve vertebrate animals:

Notice To Offerors of Requirement for Adequate Assurance of Protection of Vertebrate Animal Subjects (Sep 1985)

The *PHS Policy on Humane Care and Use of Laboratory Animals by Awardee Institutions* establishes a number of requirements for research activities involving animals. Before a PHS award may be made to an applicant organization, the organization shall file, with the Office for Protection from Research Risks (OPRR), National Institutes of Health (NIH), PHS, a written Animal Welfare Assurance which commits the organization to comply with the provisions of the *PHS Policy on Humane Care and Use of Laboratory Animals by Awardee Institutions*, the Animal Welfare Act, and the *Guide for the Care and Use of Laboratory Animals* prepared by the Institute of Laboratory Animal Resources. In accordance with the *PHS Policy on Humane Care and Use of Laboratory Animals by Awardee Institutions*, applicant organizations must establish a committee, qualified through the experience and expertise of its members, to oversee the institution's animal program, facilities and procedures. No PHS award involving the use of animals shall be made unless the Animal Welfare Assurance has been approved by OPRR. Prior to award, the contracting officer will notify Contractor(s) selected for projects that involve live vertebrate animals that an Animal Welfare Assurance is required. The contracting officer will request that OPRR negotiate an acceptable Animal Welfare Assurance with

those Contractor(s). For further information, OPRR may be contacted at NIH, Bethesda, Maryland 20892 (301-496-7041).

(End of provision)

(b) The following clause shall be included in all contracts involving research on vertebrate animals:

Care of Live Vertebrate Animals (Sep 1985)

(a) Before undertaking performance of any contract involving research on live vertebrate animals, the Contractor shall register with the Secretary of Agriculture of the United States in accordance with 7 U.S.C. 2316 and 9 CFR 2.25-2.28. The Contractor shall furnish evidence of such registration to the Contracting Officer.

(b) The Contractor shall acquire vertebrate animals used in research from a dealer licensed by the Secretary of Agriculture under 7 U.S.C. 2133 and 9 CFR 2.1-2.11, or from a source that is exempt from licensing under those sections.

(c) The Contractor agrees that the care and use of any live vertebrate animals used or intended for use in the performance of this contract will conform with the *PHS Policy on Humane Care and Use of Laboratory Animals by Awardee Institutions*, the current Animal Welfare Assurance, the *Guide for the Care and Use of Laboratory Animals* prepared by the Institute of Laboratory Animal Resources and the pertinent laws and regulations of the United States Department of Agriculture (see 7 U.S.C. 2131 *et seq.* and 9 CFR Subchapter A, Parts 1-4). In case of conflict between standards, the more stringent standard shall be used.

Note.—The Contractor may request registration of its facility and a current listing of licensed dealers from the Regional Office of the Animal and Plant Health Inspection Service (APHIS), USDA, for the region in which its research facility is located. The location of the appropriate APHIS Regional Office, as well as information concerning this program may be obtained by contacting the Senior Staff Officer, Animal Care Staff, USDA/APHIS, Federal Center Building, Hyattsville, Maryland 20782.

(End of clause)

PHS 352.280-4 [Amended]

21. Paragraph (d) of Clause 6, Payment (June 1977), in PHS 352-280-4(a) is amended by adding the phrase "the Contractor to" between the phrases "shall be paid by" and "the Government, to the extent."

22. Subpart PHS 380.1 is revised to read as follows:

PART PHS 380—SPECIAL PROGRAM REQUIREMENTS AFFECTING PHS ACQUISITIONS

Subpart PHS 380.1—Acquisitions Involving Human Subjects

Sec.
PHS 380.101 Applicability.
PHS 380.102 Policy.
PHS 380.103 Assurances.

Sec.
PHS 380.104 Notice to offerors.
PHS 380.105 Contract clause.

Authority: 5 U.S.C. 301; 40 U.S.C. 486(c).

Subpart PHS 380.1—Acquisitions Involving Human Subjects

PHS 380.101 Applicability.

This subpart applies to all research and development contracts involving human subjects except those that are exempt by Secretarial waiver under 45 CFR 46.101(e) or exempt under 45 CFR 46.101(b).

PHS 380.102 Policy.

(a) Safeguarding the rights and welfare of human subjects in activities under Public Health Service (PHS) research and development contracts is the responsibility of each institution that receives or is accountable to PHS for funds awarded for the conduct of that activity. To assure that this institutional responsibility is met, PHS shall not permit a nonexempt research activity involving human subjects to be undertaken unless the institution has an assurance on file with the Office for Protection from Research Risks (OPRR), NIH/PHS, and has filed a certification that an institutional review board (IRB) has reviewed and approved the activity in accordance with 45 CFR Part 46.

(b) Contracts involving human subjects will not be awarded to an individual unless he/she is affiliated with or sponsored by an institution which can and will assume responsibility for safeguarding the human subjects involved.

PHS 380.104 Assurances.

In accordance with 45 CFR 46.103, OPRR is responsible for negotiation of assurances covering all PHS-supported research activities involving human subjects. Consultation with OPRR (telephone: 301-496-7041) is recommended on issues regarding assurances, certification of IRB review and approval, and interpretation of the regulations for the protection of human subjects in 45 CFR 46.

PHS 380.105 Notice to offerors.

Solicitations shall contain the notice to offerors set forth in PHS 352-280-1(a) whenever contract performance is expected to involve human subjects.

PHS 380.105 Contract clause.

The clause set forth in PHS 352.280-1(b) shall be inserted in all contracts involving human subjects.

23. Subpart PHS 380.2 is revised to read as follows:

PART PHS 380—SPECIAL PROGRAMS REQUIREMENTS AFFECTING PHS ACQUISITIONS

Subpart PHS 380.2—Acquisitions Involving the Use of Laboratory Animals

Sec.

- PHS 380.201 Scope of subpart.
- PHS 380.202 Definitions.
- PHS 380.203 Policy.
- PHS 380.204 Applicability.
- PHS 380.205 Contractor implementation.

Authority: 5 U.S.C. 301; 40 U.S.C. 486(c).

Subpart PHS 380.2—Acquisitions Involving the Use of Laboratory Animals

PHS 380.201 Scope of subpart.

This subpart describes Public Health Service (PHS) contracts for projects or activities involving animals, and the responsibilities of the PHS agencies and subordinate elements for implementing policies and procedures described herein.

PHS 380.202 Definitions.

(a) *Animal*. Any live, vertebrate animal used or intended for use in research, research training, experimentation or biological testing or for related purposes.

(b) *Animal facility*. Any building, room, area, enclosure, or vehicle, including satellite facility, used for animal confinement, transport, maintenance, breeding or experiments of surgical manipulation. A satellite facility is any containment outside of a core facility or centrally designated or managed area in which animals are housed for more than 24 hours.

(c) *Animal Welfare Act*. Pub. L. 89-544, 1966, as amended (Pub. L. 91-579 and Pub. L. 94-279) 7 U.S.C. 2131 et seq. Implementing regulations are published in the Code of Federal Regulations (CFR), Title 9, Subchapter A, Parts 1, 2, 3, and 4, and are administered by the U.S. Department of Agriculture.

(d) *Animal Welfare Assurance or Assurance*. The documentation from an awardee or a prospective awardee institution assuring institutional compliance with this policy.

(e) *Guide*. *Guide for the Care and Use of Laboratory Animals*, NIH Pub. No. 85-23, 1985 edition or succeeding revised editions.

(f) *Institution*. Any public or private organization, business, or agency (including components of Federal, State and local governments).

(g) *Institutional official*. An individual who has the authority to sign the institution's Assurance, making a

commitment on behalf of the institution that the requirement of this subpart will be met.

(h) *Public Health Service*. The Public Health Service includes the Office of the Assistant Secretary for Health; the Alcohol, Drug Abuse, and Mental Health Administration; the Centers for Disease Control; the Food and Drug Administration; the Health Resources and Services Administration; and the National Institutes of Health.

(i) *Quorum*. A majority of the members of the Institutional Animal Care and Use Committee.

PHS 380.203 Policy.

It is the policy of PHS to require institutions to establish and maintain proper measures to ensure the appropriate care and use of all animals involved in research, research training and biological testing (hereinafter referred to as activities) supported by PHS. PHS endorses the "U.S. Government Principles for the Utilization and Care of Vertebrate Animals Used in Testing, Research and Training" developed by the Interagency Research Animal Committee (IRAC). This policy is intended to implement and supplement those Principles.

PHS 380.204 Applicability.

(a) This policy is applicable to all PHS-supported activities involving animals, whether the activities are performed at an awardee institution, or any other institution, in the United States, the Commonwealth of Puerto Rico, or any territory or possession of the United States. Institutions in foreign countries receiving PHS support for activities involving animals shall comply with this policy, or provide evidence to PHS that acceptable standards for the humane care and use of the animals in PHS-supported activities will be met.

(b) No PHS support for an activity involving animals will be provided to an individual unless that individual is affiliated with or sponsored by an institution which can and does assume responsibility for compliance with this policy for PHS-supported activities, or unless the individual makes other arrangements with PHS.

(c) This policy does not supercede or preempt applicable State or local laws or regulations which impose more stringent standards for the care and use of laboratory animals. All institutions are required to comply, as applicable, with the Animal Welfare Act, and other Federal statutes and regulations relating to animals.

PHS 380.205 Contractor implementation.

(a) *Animal Welfare Assurance*. No activity involving animals will be supported by PHS until the institution conducting the activity has provided a written Assurance acceptable to PHS, setting forth compliance with the policy in this subpart for PHS-supported activities. Assurances shall be submitted to OPRR, Office of the Director, National Institutes of Health, 9000 Rockville Pike, Building 31, Room 4B09, Bethesda, Maryland 20892. The Assurance shall be typed on the institution's letterhead and signed by an institutional official. OPRR will provide the applicant institution with necessary instructions and an example of an acceptable Assurance. All Assurances submitted to PHS in accordance with the policy will be evaluated by OPRR to determine the adequacy of the institution's proposed program for the care and use of animals in PHS-supported activities. On the basis of this evaluation, OPRR may approve or disapprove the Assurance, or negotiate an acceptable Assurance with the institution. Approval of an Assurance will be for a specified period of time (no longer than five years) after which time the institution must submit a new Assurance to OPRR. OPRR may limit the period during which any particular approved Assurance shall remain effective or otherwise condition, restrict, or withdraw approval. Without an applicable PHS approved Assurance, no PHS-supported activity involving animals at the institution will be permitted to continue.

(1) *Institutional program for animal care and use*. The Assurance shall fully describe the institution's program for the care and use of animals in PHS-supported activities. PHS requires institutions to use the *Guide for the Care and Use of Laboratory Animals (Guide)* as a basis for developing and implementing an institutional program for activities involving animals. The program description must include the following:

(i) A list of every branch and major component of the institution, as well as a list of every branch and major component of any institution which is to be included under the Assurance;

(ii) The lines of authority and responsibility for administering the program and ensuring compliance with this policy;

(iii) The qualifications, authority and responsibility of the veterinarian(s) who will participate in the program;

(iv) The membership list of the Institutional Animal Care and Use

Committee(s) (IACUC)¹ established in accordance with the requirements set forth in this subpart:

(v) The procedures which the IACUC will follow to fulfill the requirements set forth in this subpart;

(vi) The health program for personnel who work in laboratory animal facilities or have frequent contact with animals;

(vii) The gross square footage of each animal facility (including satellite facilities), the species housed therein and the average daily inventory, by species, of animals in each facility; and

(viii) Any other pertinent information requested by OPRR.

(2) *Institutional status.* Each institution must assure that its program and facilities are in one of the following categories:

(i) *Category 1—Accredited by the American Association for the Accreditation of Laboratory Animal Care (AAALAC).* All of the institution's programs and facilities (including satellite facilities) for activities involving animals have been evaluated and accredited by AAALAC, or another accrediting body recognized by PHS.²

(ii) *Category 2—Evaluated by the Institution.* All of the institution's programs and facilities (including satellite facilities) for activities involving animals have been evaluated by the IACUC and will be reevaluated by the IACUC at least once each year. The IACUC shall use the *Guide* as a basis for evaluating the institution's program and facilities.

A report of the IACUC evaluation shall be submitted to the institutional official and updated on an annual basis.³ The initial report shall be submitted to OPRR with the Assurance. Annual reports of the IACUC evaluation shall be maintained by the institution and made available to OPRR upon request. The report must contain a description of the nature and extent of the institution's adherence to the *Guide*

and this policy.⁴ The report must identify specifically any departures from provisions of the *Guide* and this policy, and state the reasons for each departure. If program or facility deficiencies are noted, the report must contain a reasonable and specific plan and schedule for correcting each deficiency. The report must distinguish significant deficiencies from minor deficiencies. A significant deficiency is one which, in the judgment of the IACUC and the institutional official, is or may be a threat to the health or safety of the animals. Failure of the IACUC to conduct an annual evaluation and submit the required report to the institutional official may result in PHS withdrawal of its approval of the Assurance.

(3) *Institutional Animal Care and Use Committee (IACUC).* (i) Each institution shall appoint an Institutional Animal Care and Use Committee (IACUC), qualified through experience and expertise of its members, to oversee the institution's animal program, facilities and procedures.

(ii) The Assurance must include the names, position titles and credentials of the IACUC chairperson and the members. The committee shall consist of not less than five members, and shall include at least:

(A) One Doctor of Veterinary Medicine, with training or experience in laboratory animal science and medicine, who has direct or delegated program responsibility for activities involving animals at the institution;

(B) One practicing scientist experienced in research involving animals;

(C) One member whose primary concerns are in a nonscientific area (for example, ethicist, lawyer, member of the clergy); and

(D) One individual who is not affiliated with the institution in any way other than as a member of the IACUC, and is not a member of the immediate family of a person who is affiliated with the institution.

(iii) An individual who meets the requirements of more than one of the categories detailed in PHS 380.205(d)(2)(i)-(iv) above, may fulfill more than one requirement. However, no committee may consist of less than five members.

(b) *Functions of the Institutional Animal Care and Use Committee.* As an

agent of the institution, the IACUC shall, with respect to PHS-supported activities:

(1) Review at least annually the institution's program for humane care and use of animals;

(2) Inspect at least annually all of the institution's animal facilities, including satellite facilities;

(3) Review concerns involving the care and use of animals at the institution;

(4) Make recommendations to the institutional official regarding any aspect of the institution's animal program, facilities or personnel training;

(5) Review and approve, require modifications in (to secure approval), or withhold approval of those sections of PHS applications or proposals related to the care and use of animals, as specified in PHS 380.205(f) of this subpart;

(6) Review and approve, require modifications in (to secure approval), or withhold approval of proposed significant changes regarding the use of animals in ongoing activities; and

(7) Be authorized to suspend an activity involving animals in accord with specifications set forth in this subpart.

(c) *Review of applications and proposals.* In order to approve applications and proposals or proposed changes in ongoing activities, the IACUC shall conduct a review of those sections related to the care and use of animals and determine that the proposed activities are in accordance with this policy. In making this determination, the IACUC shall confirm that the activity will be conducted in accordance with the Animal Welfare Act insofar as it applies to the activity, and that the activity is consistent with the *Guide*, unless the IACUC determines that acceptable justification for a departure is presented. Furthermore, the IACUC shall determine that the activity conforms with the institution's Assurance and meets the following requirements:

(1) Procedures with animals will avoid or minimize discomfort, distress and pain to the animals, consistent with sound research design.

(2) Procedures that may cause more than momentary or slight pain or distress to the animals will be performed with appropriate sedation, analgesia, or anesthesia, unless the procedure is justified for scientific reasons in writing by the investigator.

(3) Animals that would otherwise experience severe or chronic pain or distress that cannot be relieved will be painlessly sacrificed at the end of the procedure or, if appropriate, during the procedure.

¹ The name Institutional Animal Care and Use Committee (IACUC) as used in this policy is intended as a generic term for a committee whose function is to ensure that the care and use of animals in PHS-supported activities is appropriate and humane in accordance with this policy. However, each institution may identify the committee by whatever name it chooses. Membership and responsibilities of the IACUC are set forth in PHS 380.205(d).

² As of the issuance date of this policy the only accrediting body recognized by PHS is the American Association for Accreditation of Laboratory Animal Care (AAALAC).

³ The IACUC may, at its discretion, determine the best means of conducting an evaluation of the institution's programs and facilities. The IACUC may invite ad hoc consultants to conduct or assist in conducting the evaluation. However, the IACUC remains responsible for the evaluation and report.

⁴ If some of the institution's facilities are accredited by AAALAC or other accrediting body recognized by PHS, the report should identify those facilities and need not contain any further information about evaluation of those facilities.

(4) The living conditions of animals will be appropriate for their species and contribute to their health and comfort. The housing, feeding and nonmedical care of the animals will be directed by a veterinarian or a scientist trained and experienced in the proper care, handling and use of the species being maintained or studied.

(5) Medical care for animals will be available and provided as necessary by a qualified veterinarian.

(6) Personnel conducting procedures on the species being maintained or studies will be appropriately qualified and trained in those procedures.

(7) Methods of euthanasia used will be consistent with the recommendations of the American Veterinary Medical Association (AVMA) Panel of Euthanasia⁵, unless a deviation is justified for scientific reasons in writing by the investigator.

PHS 380.206 Public Health Service implementation.

(a) Responsibility of the Office for Protection from Research Risks (OPRR).

⁵ Journal of the American Veterinary Association ([AVMA]), 1978, Vol. 143, No. 1, pp. 59-72, or succeeding revised editions.

OPRR is responsible for the general administration and coordination of this policy and will:

(1) Request and negotiate, approve or disapprove, and, as necessary, withdraw approval of Assurances;

(2) Distribute to executive secretaries of initial review and technical evaluation groups, and to PHS contracting offices, lists of institutions that have an approved Assurance;

(3) Advise contracting offices and awardee institutions concerning the implementation of this policy;

(4) Evaluate allegations of noncompliance with this subpart;

(5) Have the authority to review and approve or disapprove waivers of this subpart (see paragraph (d) of this section); and

(6) With other PHS officials, conduct site visits to selected institutions.

(b) *Responsibilities of PHS contracting offices.* PHS contracting offices shall not make an award for an activity involving animals unless the institution submitting the application or proposal is on the list of institutions that have an approved Assurance of file with OPRR, and the institutional official has provided verification of approval by the IACUC of those sections of the

application or proposal related to the care and use of animals. If an institution is not listed, the contracting office shall ask OPRR to negotiate an Assurance with the institution before an award is made. No award shall be made until the Assurance has been submitted by the institution, approved by OPRR, and the institution has provided verification of approval by the IACUC of those sections of the application or proposal related to the care and use of animals in PHS-supported activities.

(c) *Conduct of special reviews/site visits.* Each awardee institution is subject to review at any time by PHS staff and advisors, which may include a site visit, to assess the adequacy of the institution's compliance with this policy.

(d) *Waiver.* Institutions may request a waiver of a provision of this policy by submitting a request to OPRR. No waiver will be granted unless sufficient justification is provided, and the waiver is approved in writing by OPRR.

[FR Doc. 86-12556 Filed 6-4-86; 8:45 am]

BILLING CODE 4160-17-M

Proposed Rules

Federal Register

Vol. 51, No. 108

Thursday, June 5, 1986

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 86-CE-13-AD]

Airworthiness Directives; Cessna Models 208 and 208A Airplanes

AGENCY: Federal Aviation Administration (FAA) DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This notice to adopt a new Airworthiness Directive (AD), applicable to all Cessna Models 208 and 208A airplanes. This AD would require modification of the airplane fuel system by adding frangible safety wires to secure the wing fuel tank selectors in the "on" position. In addition, the proposal would require a temporary instructional placard and temporary revision of the Pilots Operating Handbook and Airplane Flight Manual (POH/AFM) to inform the owner/operator of the procedures required because of the modification to the wing fuel tank selectors. Reports have been received of forced landings believed to have been caused by fuel starvation due to attempting takeoff with both wing fuel tank selectors in the "off" position. The proposed actions will help preclude fuel starvation during takeoff due to improper positioning of the wing fuel tank selectors.

DATES: Comments must be received on or before July 7, 1986.

ADDRESSES: Documents applicable to this AD may be obtained from the Rules Docket at the address below. Send comments on the proposal in duplicate to Federal Aviation Administration, Central Region, Office of the Regional Counsel, Attention: Rules Docket No. 86-CE-13-AD, Room 1558, 601 East 12th Street, Kansas City, Missouri 64106. Comments may be inspected at this location between 8 a.m. and 4 p.m., Monday through Friday, holidays excepted.

FOR FURTHER INFORMATION CONTACT: Mr. Paul O. Pendleton, Aerospace Engineer, Aircraft Certification Office ACE-140W, FAA, 1801 Airport Road, Room 100, Mid-Continent Airport, Wichita, Kansas 67209; Telephone (316) 946-4427.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views or arguments as they may desire. Communications should identify the regulatory docket or notice number and be submitted in duplicate to the address specified above. All communications received on or before the closing date for comments specified above will be considered by the Director before taking action on the proposed rule. The proposals contained in this notice may be changed in the light of comments received. Comments are specifically invited on the overall regulatory, economic, environmental and energy aspects of the proposed rule. All comments submitted will be available both before and after the closing date for comments in the Rules Docket for examination by interested persons. A report summarizing each FAA public contact concerned with the substance of this proposal will be filled in the Rules Docket.

Availability of NPRMs

Any person may obtain a copy of this Notice of Proposed Rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Central Region, Office of the Regional Counsel, Attention: Airworthiness Rules Docket No. 86-CE-13-AD, Room 1558, 601 East 12th Street Kansas City, Missouri 64106.

Discussion

Reports have been received of engine power loss due to fuel starvation and subsequent forced landings involving Cessna Models 208 and 208A airplanes. The fuel starvation is believed to have occurred because takeoff was attempted with both wing fuel tank selectors in the "off" position. With these selectors in the "off" position, the only fuel supply available for use is that contained in the fuel reservoir. Cessna is currently developing a fuel system modification which will preclude this situation of fuel mismanagement. Cessna has also

developed warning placards and revised operational emergency procedures for inadvertent fuel flow interruption. The FAA has determined that these placards and revised procedures are needed as an interim measure and an Adopted Rule AD is currently being issued to require their installation and use. Additionally, the FAA has determined that further interim action is required until such time as the Cessna fuel system modification becomes available. Thus, the FAA proposes an AD requiring modification of the wing fuel tank selectors by adding frangible safety wires to insure the selectors are in the "on" position for takeoff, plus a temporary instructional placard and a temporary POH/AFM revision to inform the owner/operator of the procedures required due to the modification of the wing fuel tank selectors.

Since the condition described is likely to exist or develop in other Cessna Models 208 and 208A airplanes of the same design, the AD would require modification of the fuel system by the addition of frangible safety wires to the wing fuel tank selectors, the addition of a temporary Instructional placard and a temporary POH/AFM revision. The FAA has determined there are approximately 100 airplanes affected by the proposed AD. The cost of modifying these airplanes as required by the proposed AD is estimated to be \$30 per airplane. The total cost is estimated to be \$3,000 to the private sector.

The cost is so small that compliance with the proposal will not have a significant financial impact on any small entities owning affected airplanes. Therefore, I certify that this action (1) is not a major rule under the provisions of Executive Order 12291, (2) is not a significant rule under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979) and (3) if promulgated, will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A copy of the draft regulatory evaluation has been prepared for this action and has been placed in the public docket. A copy of it may be obtained by contacting the Rules Docket at the location provided under the caption "ADDRESSES".

List of Subjects in 14 CFR Part 39

Air transportation, Aviation safety,
Aircraft, Safety.

The Proposed Amendment**PART 39—[AMENDED]**

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration proposes to amend § 39.13 of Part 39 of the FAR as follows:

1. The authority citation for Part 39 continues to read as follows:

Authority: 49 U.S.C. 1354(a), 1421 and 1423; 49 U.S.C. 106(g) (Revised, Pub. L. 97-449, January 12, 1983); and 14 CFR 11.89.

§ 39.13 [Amended]

2. By adding the following new AD:

Cessna: Applies to Models 208 and 208A (all serial numbers) airplanes certificated in any category.

Compliance: Required within the next 100 hours time-in-service after the effective date of this AD, unless already accomplished.

To prevent fuel starvation during takeoff due to improper positioning of the wing fuel tank selectors, accomplish the following:

(a) Modify the wing fuel tank selectors as follows:

(1) Place both selectors in the "on" positions.

(2) While holding a metal sheet under the selectors, drill a 0.032 inch (0.81 mm) diameter hole in each selector knob as shown in Figure 1 of this AD.

(3) Replace the existing screw currently installed between the selectors with an AN 502-10-10 screw as shown in Figure 1 of this AD.

(4) Safety wire each selector knob separately to the screw (installed per paragraph (a)(3) of this AD) using the holes drilled per paragraph (a)(2) of this AD and 0.015 inch (0.384mm) frangible copper safety wire (Cessna Part Number 30310).

Note.—Refer to A.C. 65-9, Chapter 6, Pages 119-120 for standard safety wiring methods.

(b) Revise the airplane Pilot's Operating Handbook and Airplane Flight Manual (POH/AFM) by adding the Temporary AFM Supplement shown in the Appendix of this AD.

(c) Fabricate and install adjacent to the wire fuel tank selectors the following placard using letters of a minimum of 0.10 inch (2.56 mm) in height:

"SEE TEMPORARY AFM SUPPLEMENT FOR FUEL SYSTEM OPERATION. BREAK SAFETY WIRE ON FUEL SELECTORS ONLY IN CASE OF AN EMERGENCY."

(d) An equivalent means of compliance with this AD may be used if approved by the Manager, Aircraft Certification Office, FAA, 1801 Airport Road, Room 100, Mid-Continent Airport, Wichita, Kansas 67209.

Issued in Kansas City, Missouri, on May 22, 1986.

Edwin S. Harris,

Director, Central Region.

BILLING CODE 4910-13-M

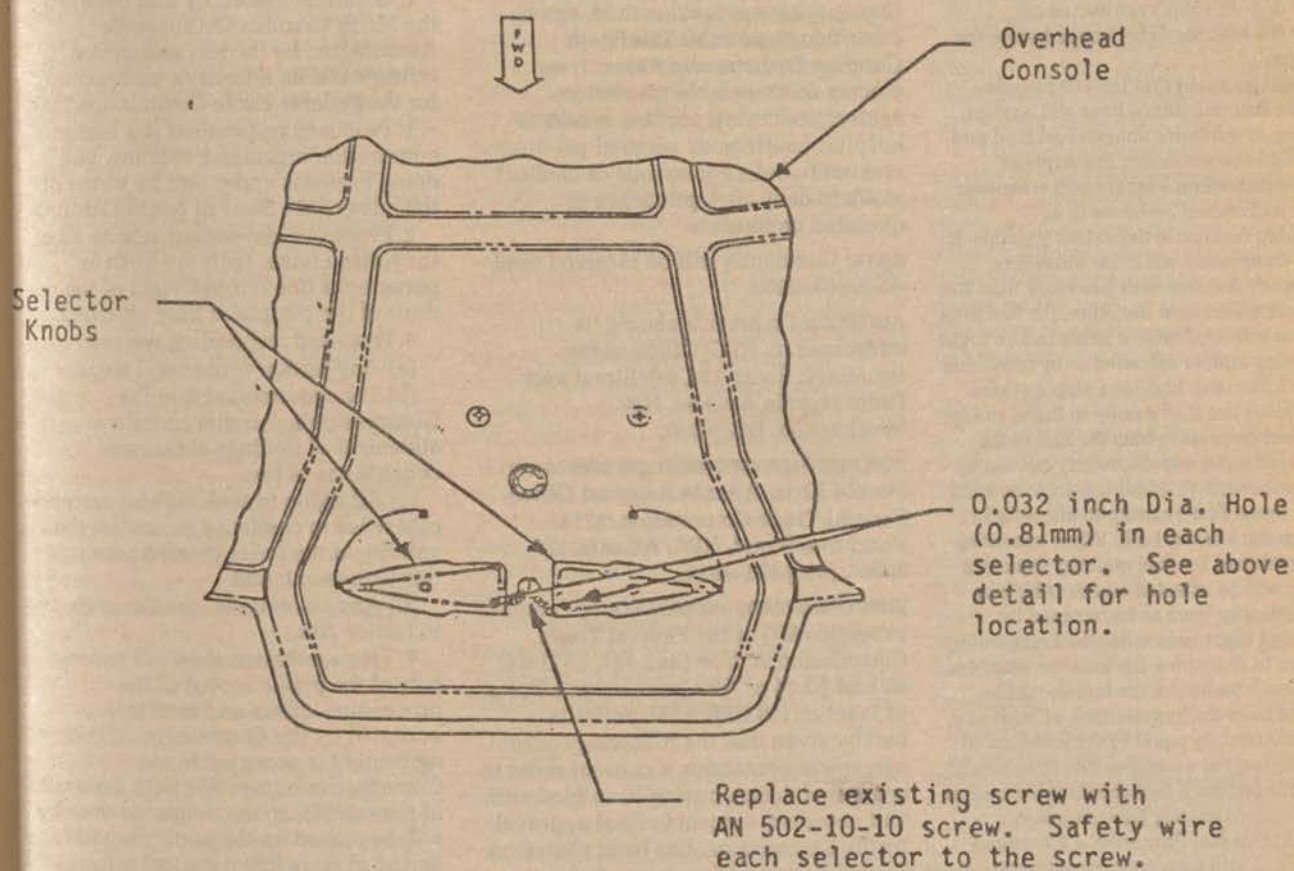
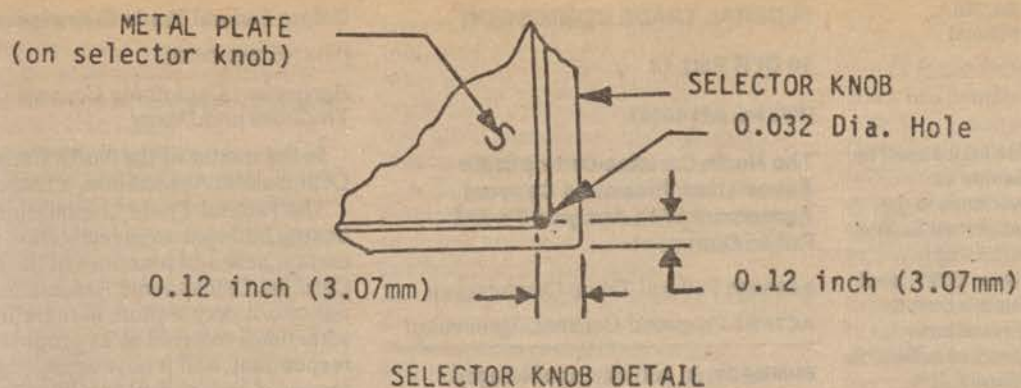


FIGURE 1.

**Appendix—Cessna Model 208/208A,
Temporary Airplane Flight Manual
Supplement**

*Temporary Fuel System Limitation and
Operators Procedures*

The fuel tank selector valve knobs must be safety wired in the "ON" position as described in this AD. Any reference in the POH/AFM, in any section other than Section 3, Emergency Procedures, pertaining to shutting one or both fuel valves "OFF", must be disregarded and the valves are both to remain "ON" for all normal operations. Emergency Procedures as specified in Section 3 of the POH/AFM are unchanged. If it becomes necessary to accomplish any Emergency Procedures where one or both fuel valves are to shut off, exert enough force to break the safety wire.

If one or both valves are turned off, resafety the selector valve knobs before the next flight.

It should be noted that the 200 pounds maximum fuel unbalance limit still applies. Therefore, to minimize uneven fuel feed and/or transfer between tanks, the airplane should be parked on a level ramp whenever possible and should be flown in a coordinated fashion to the extent possible. If fuel has transferred while the aircraft is parked, such that one tank has more than 200 pounds more fuel than the other, the fuel load must be rebalanced within limits before flight by defueling and/or refueling or by reparking with the fuller tank high on a sloping ramp.

If fuel does not feed evenly in flight, rudder trim should be reset to bias the ball in the slip-skid indicator approximately but not to exceed one-fourth (1/4) ball towards the wing with the lesser fuel quantity to allow fuel to burn from the heavier tank. When operating in this condition, the fuel quantity indicator accuracy will be affected and the airplane will periodically have to be returned to coordinated flight to monitor the fuel quantity indicators to determine the balance situation. Under these conditions the fuel should be consumed from the heavier tank at least at a rate approximately equal to the fuel flow of the engine (e.g., at an engine fuel flow rate of 335 pounds per hour, fuel should rebalance at a rate of approximately five pounds per minute. At this fuel flow, with a 100 pound unbalance, it will take approximately 20 minutes in a one-fourth (1/4) ball out of trim condition to correct the unbalance.) If the above procedures do not result in maintaining equal fuel balance, land the airplane prior to exceeding the 200 pound unbalance limit.

When refueling after "topping" each tank (when full fuel is desired) the opposite tank should be "re-topped" to allow for any transfer that has occurred during refueling.

[FR Doc. 86-12324 Filed 6-4-86; 8:45 am]

BILLING CODE 4910-13-M

FEDERAL TRADE COMMISSION

16 CFR Part 13

[File No. 841 0038]

The North Carolina Orthopaedic Association; Proposed Consent Agreement With Analysis To Aid Public Comment

AGENCY: Federal Trade Commission.

ACTION: Proposed Consent Agreement.

SUMMARY: In settlement of alleged violations of federal law prohibiting unfair acts and practices and unfair methods of competition, this consent agreement, accepted subject to final Commission approval, would, among other things, prohibit The North Carolina Orthopaedic Assoc. from placing unreasonable restrictions against podiatrists seeking access to hospital facilities or surgical privileges and not to induce hospitals or medical staffs to deny such privileges to qualified podiatrists.

DATE: Comments will be received until August 4, 1986.

ADDRESS: Comments should be addressed to: FTC/Office of the Secretary, Room 136, 6th Street and Pennsylvania Avenue, NW., Washington, DC 20580.

FOR FURTHER INFORMATION CONTACT: Harold Kirtz, Atlanta Regional Office, Federal Trade Commission, 1718 Peachtree Street, NW., Atlanta, GA 30367. (404) 881-4836.

SUPPLEMENTARY INFORMATION: Pursuant to section 6(f) of the Federal Trade Commission Act, 38 Stat. 721, 15 U.S.C. 46 and § 2.34 of the Commission's Rules of Practice (16 CFR 2.34), notice is hereby given that the following consent agreement containing a consent order to cease and desist, having been filed with and accepted, subject to final approval, by the Commission, has been placed on the public record for a period of sixty (60) days. Public comment is invited. Such comments or views will be considered by the Commission and will be available for inspection and copying at its principal office in accordance with § 4.9(b)(14) of the Commission's Rules of Practice (16 CFR 4.9(b)(14)).

List of Subjects in 16 CFR Part 13

Hospital privileges, Podiatry, Trade practices.

Before Federal Trade Commission

[File No. 841-0038]

*Agreement Containing Consent Order
To Cease and Desist*

In the matter of the North Carolina Orthopaedic Association, a corporation.

The Federal Trade Commission having initiated an investigation of certain acts and practices of the North Carolina Orthopaedic Association, a non-profit corporation, hereinafter sometimes referred to as proposed respondent, and it now appearing that proposed respondent is willing to enter into an agreement containing an order to cease and desist from the use of the acts and practices being investigated,

It is hereby agreed by and between the North Carolina Orthopaedic Association, by its duly authorized officers and its attorneys, and counsel for the Federal Trade Commission that:

1. Proposed respondent is a non-profit corporation organized, existing, and doing business under and by virtue of the laws of the State of North Carolina.

2. Proposed respondent admits all of the jurisdictional facts set forth in paragraphs one through eight of the draft of the complaint here attached.

3. Proposed respondent waives:

(a) Any further procedural steps;

(b) The requirement that the Commission's decision contain a statement of findings of fact and conclusions of law;

(c) All rights to seek judicial review or otherwise to challenge or contest the validity of the order entered pursuant to this agreement; and

(d) Any claim under the Equal Access to Justice Act.

4. This agreement shall not become part of the public record of the proceeding unless and until it is accepted by the Commission. If this agreement is accepted by the Commission, it, together with the draft of the complaint contemplated thereby, will be placed on the public record for a period of sixty (60) days and information with respect thereto will be publicly released. The Commission thereafter may either withdraw its acceptance of this agreement and so notify the North Carolina Orthopaedic Association, in which event it will take such action as it may consider appropriate, or issue and serve its complaint (in such form as the circumstances may require) and decision, in disposition of the proceeding.

5. This agreement is for settlement

purposes only and does not constitute an admission by the North Carolina Orthopaedic Association that the law has been violated as alleged in the draft complaint here attached.

6. This agreement contemplates that, if it is accepted by the Commission and if such acceptance is not subsequently withdrawn by the Commission pursuant to the provisions of § 2.34 of the Commission's Rules, the Commission may, without further notice to the North Carolina Orthopaedic Association, (1) issue its complaint corresponding in form and substance to the draft of complaint here attached and its decision containing the following order to cease and desist in disposition of the proceeding and (2) make information public with respect thereto. When so entered, the order to cease and desist shall have the same force and effect as and may be altered, modified or set aside in the same manner and within the same time provided by statute for other orders. The order shall become final upon service. Delivery by the U.S. Postal Service of the complaint and decision containing the agreed-to order to the address of proposed respondent's counsel, George L. Little, Jr., and F. Joseph Treacy, Jr., of Petree, Stockton, Robinson, Vaughn, Glaze, & Maready, 1001 West Fourth Street, Winston-Salem, North Carolina 27101, shall constitute service. Proposed respondent waives any right it may have to any other manner of service. The complaint may be used in construing the terms of the order, and no agreement, understanding, representation, or interpretation not contained in the order or the agreement may be used to vary or contradict the terms of the order.

7. The North Carolina Orthopaedic Association has read the proposed complaint and order contemplated thereby. Proposed respondent understands that, once the order has been issued, it will be required to file one or more compliance reports showing that it has fully complied with the order. Proposed respondent further understands that it may be liable for civil penalties in the amount provided by law for each violation of the order after it becomes final.

Order

It is so ordered that, for the purpose of this order, "respondent" means the North Carolina Orthopaedic Association, a non-profit corporation, its Executive Committee, officers, representatives, agents, employees, successors, and assigns.

It is ordered that respondent shall

cease and desist from, directly or indirectly or through any corporate or other device, in or in connection with respondent's activities as a professional non-profit association in or affecting commerce, the following:

A. Entering into, continuing, maintaining, adhering to, acquiescing in, or aiding and abetting any agreement, combination or conspiracy to unreasonably exclude, unreasonably discriminate against, or place unreasonable restrictions on any podiatrist seeking or having surgical privileges at any hospital or access to or use of any hospital facilities, when such privileges, access or use is permitted under North Carolina law;

B. Inducing or seeking to induce any hospital, hospital medical staff, physician, or other person or entity to obstruct or deny surgical privileges at any hospital or access to or use of any hospital facilities by the podiatric profession or any licensed podiatrist through any representation that is false or deceptive within the meaning of the Federal Trade Commission Act.

Provided that nothing in subpart II(B) shall prohibit respondent from making or publishing a representation for which respondent possesses a reasonable basis regarding the training, education, practice, or other qualifications of podiatrists or any individual podiatrist.

Provided further that nothing in this order shall prohibit respondent from exercising rights guaranteed by the First Amendment to the United States Constitution to petition any federal, state, or local government, executive agency or legislative body concerning legislation, rules or procedures, or to participate in any federal, state, or local administrative or judicial proceeding.

III

It is further ordered that, within sixty (60) days after the date of service of this order, respondent shall:

A. Mail or otherwise furnish a copy of this order, accompanied by the cover letter attached as Appendix I, to each person who on the date of service of this order is a member of respondent and to each person who on the date of service of this order is an executive employee of respondent;

B. Mail or personally deliver a copy of this order, accompanied by the cover letter attached as Appendix I, to the President of the North Carolina Medical Society;

C. Withdraw any policy, standard, or position regarding podiatry, if any, that is inconsistent with the terms of Part II of this order.

IV

It is further ordered that respondent shall:

A. File a written report with the Commission within ninety (90) days following the date of service of this order, and annually on the anniversary of the date of service of this order for a period of five (5) years, and at such other times as the Commission or Commission staff may by written notice to respondent require, setting forth in detail the manner and form in which it has complied with this order;

B. For five (5) years after the date of service of this order, maintain and make available to the Commission staff, for inspection and copying upon reasonable notice, any documents regarding podiatric clinical privileges or access to hospital facilities, podiatric training or education, or the appropriate scope of practice by podiatrists; and

C. For five (5) years after the date of service of this order, provide each new member and each new executive employee of the respondent, or any other employee whose responsibilities include disseminating respondent's views, with a copy of this order at the time he or she is accepted into membership or employment.

V

It is further ordered that respondent shall notify the Commission of any proposed change in its organization at least thirty (30) days prior to the proposed change in respondent, such as dissolution, assignment, or sale resulting in the emergence of a successor corporation or association, or any other change that may affect compliance with this order.

Appendix I

Dear [Sir or Madam]:
As you may know, on _____ the Federal Trade Commission issued a Consent Order settling charges that the North Carolina Orthopaedic Association (NCOA) has been involved in activities that restricted the lawful practice of podiatry and restrained competition between medical doctors and podiatrists. This order was entered as part of a compromise settlement in order to save NCOA the expense of defending a costly litigation and without any admission whatsoever of any wrongdoing on the part of NCOA. NCOA has not admitted that it has violated the law, nor admitted that it has done the acts alleged in the Complaint except those relating solely to jurisdiction.

Under the terms of the Order issued by the Commission, among other things, NCOA is prohibited from entering into or maintaining any agreement or conspiracy to unreasonably exclude or discriminate against any podiatrist seeking or having surgical privileges at any hospital or access to or use

of any hospital facilities, when such privileges, access or use is permitted under North Carolina law.

The Order also prohibits NCOA from inducing any hospital, hospital medical staff, physician, or other person or entity to obstruct or deny surgical privileges at any hospital or access to or use of any hospital facilities by the podiatric profession or any licensed podiatrist through any representation for which NCOA does not have a reasonable basis.

The Order, however, does not prohibit NCOA or its members from exercising their First Amendment rights to petition any legislative or executive body concerning any rules, legislation, or procedures, or participating in any administrative or judicial proceeding. The Order does not prevent any individual from engaging in unilateral conduct, in an individual capacity and not as an officer, agent or representative of NCOA.

Pursuant to the Order issued by the Federal Trade Commission, we are withdrawing all of our policies and statements relating to podiatry, if any, that are not consistent with the Order.

Your attention to these matters will be appreciated. Thank you for your cooperation.

Sincerely,

President, The North Carolina Orthopaedic Association.

[File No. 841-0038]

THE NORTH CAROLINA ORTHOPAEDIC ASSOCIATION

Analysis of Proposed Consent Order To Aid Public Comment

The Federal Trade Commission has accepted an agreement to a proposed consent order from the North Carolina Orthopaedic Association ("NCOA"). The agreement would settle charges by the Commission that the proposed respondent, through certain acts and practices, has restrained competition between medical doctors and podiatrists in North Carolina, in violation of section 5 of the Federal Trade Commission Act.

The proposed consent order has been placed on the public record for sixty (60) days for reception of comments by interested persons. Comments received during this period will become part of the public record. After sixty (60) days, the Commission will again review the agreement and the comments received and will decide whether it should withdraw from the agreement or make final the agreement's proposed order.

The Proposed Complaint

A complaint has been prepared for issuance by the Commission along with the proposed order. It alleges that NCOA agreed with some of its members and others to engage in conduct that unreasonably restrains the practice of podiatry. Specifically, the complaint alleges that NCOA entered into an

agreement to take action to exclude or unreasonably discriminate against podiatrists who seek hospital privileges or access to hospital facilities within the scope of their state licenses. As part of the alleged conspiracy, NCOA passed two resolutions opposing the hospital practice of podiatry and enjoined its members to review or change hospital bylaws accordingly.

The complaint alleges that the restrictions imposed by NCOA unreasonably limited competition in the following respects:

(a) Competition based on price, quality and service in the delivery of professional health services has been lessened;

(b) The ability of patients and prospective patients to select a licensed practitioner of their choice has been hindered;

(c) The ability of podiatrists to compete with medical doctors has been restricted; and

(d) Podiatrists have been discouraged from practicing in North Carolina because of the difficulty of obtaining hospital privileges.

The Proposed Order

The proposed order prohibits NCOA from entering into or aiding and abetting any combination or conspiracy to unreasonably exclude or unreasonably discriminate against podiatrists who seek hospital privileges or access to hospital facilities when such privileges or access is authorized under state law. NCOA is also prohibited from inducing or seeking to induce any medical staff, physician, or hospital to obstruct or deny privileges to podiatrists by means of misrepresentations. However, NCOA may make statements about podiatry for which it has a reasonable basis. Further, the order does not prevent NCOA from exercising its First Amendment rights.

The purpose of this analysis is to facilitate public comment on the proposed order, and it is not intended to constitute an official interpretation of the agreement and proposed order or to modify in any way their terms.

Emily H. Rock,

Secretary.

[FR Doc. 86-12653 Filed 6-4-86; 8:45 am]

BILLING CODE 6750-01-M

16 CFR Part 13

[File No. 842-3209]

Saga International, Inc.; Proposed Consent Agreement With Analysis To Aid Public Comment

AGENCY: Federal Trade Commission.

ACTION: Proposed consent agreement.

SUMMARY: In settlement of alleged violations of federal law prohibiting unfair acts and practices and unfair methods of competition, this consent agreement, accepted subject to final Commission approval, would, among other things, require a Compton, Calif. manufacturer and seller of ultrasonic pest-control devices to refund the full purchase price of its "Home Free" pest-control product to any consumer who bought the device after Dec. 31, 1983. Additionally, respondent would be required to provide signs for retailers to post about the availability of refunds and advertise their availability through newspaper ads. Further, respondent would be prohibited from making any performance or efficacy claims about any ultrasonic pest-control product unless it possesses and relies upon competent and reliable evidence that substantiates its claims.

DATE: Comments will be received until August 4, 1986.

ADDRESS: Comments should be addressed to: FTC/Office of the Secretary, Room 136, 6th Street and Pennsylvania Avenue NW., Washington, DC 20580.

FOR FURTHER INFORMATION CONTACT: Janet Grady, Director, San Francisco Regional Office, Federal Trade Commission, 450 Golden Gate Avenue, San Francisco, CA 94102. (415) 556-1270.

SUPPLEMENTARY INFORMATION: Pursuant to section 6(f) of the Federal Trade Commission Act, 38 Stat. 721, 15 U.S.C. 46 and § 2.34 of the Commission's Rules of Practice (16 CFR 2.34), notice is hereby given that the following consent agreement containing a consent order to cease and desist, having been filed with and accepted, subject to final approval, by the Commission, has been placed on the public record for a period for sixty (60) days. Public comment is invited. Such comments or views will be considered by the Commission and will be available for inspection and copying at its principal office in accordance with § 4.9(b)(14) of the Commission's Rules of Practice (16 CFR 4.9(b)(14)).

List of Subjects in 16 CFR Part 13

Trade practices, Ultrasonic pest-control devices.

Before the Federal Trade Commission

[File No. 842-3209]

Agreement Containing Consent Order To Cease and Desist

In the matter of Saga International, Inc., a corporation.

The Federal Trade Commission having initiated an investigation of certain acts and practices of Saga International, Inc., a corporation (hereinafter sometimes referred to as proposed respondent or respondent), and it now appearing that proposed respondent is willing to enter into an agreement containing an order to cease and desist from the acts and practices being investigated.

It is hereby agreed by and between Saga International, Inc., and its attorney, and counsel for the Federal Trade Commission that:

1. Proposed respondent Saga International, Inc., is a corporation organized, existing, and doing business under and by virtue of the laws of the State of California, with its offices and principal place of business located at 1220 West Walnut Street, Compton, California 90220.

2. Proposed respondent admits all the jurisdictional facts set forth in the draft complaint here attached.

3. Proposed respondent waives:

a. Any further procedural steps;

b. The requirement that the

Commission's decision contain a

statement of findings of facts and

conclusions of law;

c. All rights to seek judicial review or otherwise to challenge or contest the validity of the order entered pursuant to this agreement; and

d. All claims under the Equal Access to Justice Act.

4. This agreement shall not become part of the public record of the proceeding unless and until it is accepted by the Commission. If this agreement is accepted by the Commission, it, together with the draft of complaint contemplated thereby, will be placed on the public record for a period of sixty (60) days and information in respect thereto publicly released. The Commission thereafter may either withdraw its acceptance of this agreement and so notify the proposed respondent, in which event it will take such action as it may consider appropriate, or issue and serve its complaint (in such form as the circumstances may require) and decision, in disposition of the proceeding.

5. This agreement is for settlement purposes only and does not constitute an admission by proposed respondent that the law has been violated as alleged in the draft of complaint here attached.

6. This agreement contemplates that, if it is accepted by the Commission, and if such acceptance is not subsequently withdrawn by the Commission pursuant to the provisions of § 2.34 of the

Commission's Rules, the Commission may, without further notice to proposed respondent, (1) issue its complaint corresponding in form and substance with the draft of complaint here attached and its decision containing the following order to cease and desist in disposition of the proceeding and (2) make information public in respect thereto. When so entered, the order to cease and desist shall have the same force and effect and may be altered, modified or set aside in the same manner and within the same time provided by statute for other orders. The order shall become final upon service. Delivery by the U.S. Postal Service of the complaint and decision containing the agreed-to order to proposed respondent's address as stated in this agreement shall constitute service. Proposed respondent waives any right it may have to any other manner of service. The complaint may be used in construing the terms of the order, and no agreement, understanding, representation, or interpretation not contained in the order or the agreement may be used to vary or contradict the terms of the order.

7. Proposed respondent and its attorney have read the proposed complaint and order contemplated hereby. They understand that once the order has been issued, proposed respondent will be required to file one or more compliance reports showing that it has fully complied with the order. Proposed respondent further understands that it may be liable for civil penalties in the amount provided by law for each violation of the order after it becomes final.

Order

I

It is ordered that respondent Saga International, Inc., a corporation, its successors and assigns and its officers, agents, representatives, and employees, directly or through any corporation, subsidiary division or other device, in connection with the advertising, offering for sale, sale or distribution of the "Home Free" ultrasonic pest control device or any other ultrasonic pest control product or device in or affecting commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

A. Representing, directly or by implication, that the Home Free or any other ultrasonic pest control product will:

(1) Eliminate cockroaches, rats, mice or other pests from a home or place of business;

(2) Eliminate rodents or insects from a home or place of business within four to six weeks, or within any other specified period of time;

(3) Protect an area where said product is in use in a home or place of business from rodents or insects, or will cause an area to be free of rodents or insects; or

(4) Serve as an effective alternative to the use of conventional products such as spray, powders, trap of other chemicals in providing protection from insect and rodent infestation.

B. Representing, directly or by implication, any performance characteristic of any ultrasonic pest control product, unless at the time of making such representation respondent possesses and relies upon competent and reliable evidence which substantiates the representation. Evidence in the form of tests, experiments, analyses, research studies, or other evaluations shall be competent and reliable only if they are conducted in an objective manner by persons qualified to do so, using procedures generally accepted in the relevant professions or sciences to yield accurate, reliable, and reproducible results.

C. Representing, directly or by implication, that any ultrasonic pest control product is effective in providing protection from insect or rodent infestation in a home or place of business, unless at the time of making such representation respondent possesses and relies upon competent and reliable evidence which either directly relates to such home or place of business use conditions, or which can properly be applied to such conditions. Evidence in the form of tests, experiments, analysis, research studies, or other evaluations shall be competent and reliable only if they are conducted in an objective manner by persons qualified to do so, using procedures generally accepted in the relevant professions or sciences to yield accurate, reliable, and reproducible results.

II

It is further ordered that respondent, its successors and assigns, and its officers, employees, agents and representatives shall provide consumer refunds in accordance with the provisions of this paragraph to any retail purchaser of the HOME FREE device who purchased the HOME FREE device from any retail outlet at any time on or after January 1, 1984.

A. Notification of Consumers

1. Respondent shall:

(a) Within sixty (60) days from the date of service of this order, cause to be distributed to each of respondent's distributors, and to each retail outlet which is known by respondent or its distributors to have purchased the HOME FREE device for resale to the public, the "Notice" set out in Attachment A to this order, to which respondent shall cause to be affixed in tablet format (in sufficient quantities to anticipate foreseeable consumer demand) the form set out in Attachment B to this order;

(b) Within sixty (60) days from the date of service of this order, cause to be disseminated to each retail outlet identified in response to paragraph II A.1.(a), a request that said retail outlet prominently display said "Notice" and tablet forms;

(c) Within sixty (60) days from the date of service of this order, as to those retail outlets which together have accounted for at least 75% of respondent's sales of the HOME FREE device, take all steps necessary to cause said "Notices" to be placed in public areas within each such retail outlet where such "Notices" are most likely to be seen by customers, particularly past purchasers of the HOME FREE device; and take all steps necessary to cause such "Notices" to remain in said public areas for a continuous period of six months from the date on which such "Notices" are first placed in each such retail outlet; and

(d) Within ninety (90) days from the date of service of this order, but no sooner than respondent has complied with the provisions of paragraph II A.1. (a), (b) and (c), cause to be published, clearly and prominently, the text of the "Notice" set out in Attachment A of this order, in display advertising format in the weekend or Sunday edition of each local newspaper in which retailer identified in paragraph 11(A) (1) (c) regularly advertises.

2. The "Notice" referred to in paragraph II A.1 above shall consist of a free standing sign or mounted wall poster of at least 8½ by 11 inches in dimension, on which is written, verbatim, in clear and prominent print of no less than 24 point print, the text as shown in Attachment A to this order.

3. Respondent shall, within ninety (90) days from the date of service of this order, cause to be published the text of the "Notice" set out in Attachment A to this order in each market area in which respondents caused newspaper, magazine, radio, or television advertisements for the HOME FREE to be placed at any time from January 1, 1983, to the date of service of this order. The text of the "Notice" shall be

published in a clear and prominent form in display advertising format in the newspaper of greatest general circulation in the market area in which each such advertisement appeared.

B. Consumer Refund Procedures

1. Any purchaser of the HOME FREE shall be entitled to a refund in accordance with the provisions of this order upon: (a) return of a HOME FREE device to any retailer who has sold the HOME FREE on or after January 1, 1984, and submission of either a sales receipt for the device issued by that retailer and dated on or after January 1, 1984, or a signed "affidavit" (as hereinafter defined and described); OR (b) shipment of the HOME FREE device to respondent with either a sales receipt for purchase of the device issued by a retailer and dated on or after January 1, 1984, or a signed "affidavit" (as hereinafter defined and described).

2. The "affidavit" referred to in paragraph II B.1 shall consist of either: (a) The form affixed in tablet format to the Notices furnished to all retailers in accordance with paragraph II A.1.(a) above, or (b) at the discretion of the person claiming the refund, a substantially equivalent written and signed statement.

3. Where a consumer returns the purchased HOME FREE device(s) to respondent or to a participating retailer for refund(s), and the claim for refund is accompanied by some statement other than the affidavit form referred to herein (as permitted by paragraph II B.2.(b) above), and respondent or a participating retailer rejects the alternate statement as not "substantially equivalent" to the affidavit, respondent shall immediately provide the consumer, or shall cause the consumer to be provided, with an affidavit form so that the consumer may promptly obtain the refund to which the consumer is entitled under the provisions of this order.

C. Respondent's Consumer Redress Obligations

Respondent or its successors or assigns shall: (1) Cause consumer refunds to be made by the retailers to any purchaser of the HOME FREE device who returns the device and submits to the retailer either (a) a sales receipt issued by a retailer and dated on or after January 1, 1984, or (b) a signed affidavit (or its equivalent) as described in paragraph II B.2 above; and (2) make direct consumer refunds, including the cost of postage, to any purchaser of the HOME FREE device who returns the device and submits either (a) a sales receipt issued by the retailer and dated on or after January 1, 1984, or (b) a

signed affidavit (or its equivalent) as described in paragraph II B.2 above. Any claim in compliance with Part II of this Order shall be valid if made within one calendar year of the date of service of this order and, when made directly to respondent, shall be honored by respondent within thirty (30) days of receipt of the claim.

D. Amount of Individual Refund

Any consumer shall be entitled to a refund of the full amount of the purchase price paid for each HOME FREE device purchased as proven by a sales receipt issued by a retailer. In the absence of such a receipt, a consumer shall be entitled to a refund of no more than \$19.95 plus postage if the device has been shipped to respondent at the consumer's expense.

E. Respondent's Reporting Requirements

Respondent shall report to the Federal Trade Commission the status of the consumer redress program required by this agreement in accordance with the following schedule:

(1) One hundred and twenty (120) days from the date of service of this order, respondent shall advise the Commission, in writing, of the number and location (by retail establishment address) of notices placed as required by paragraph II A.1 of this agreement and shall provide the Commission with a sample of each advertisement caused by respondent to be disseminated in accordance with the provisions of paragraph II A.1.(d) and II A.3. of this order, along with the schedule of publication of such advertisements; and

(2) Fifteen (15) months from the date of service of this order, respondent shall provide the Commission with a summary report of the consumer redress program which shall include, but shall not necessarily be limited to, a tabulation, on a total cumulative basis, of the number of former purchasers of the HOME FREE who have claimed a refund as authorized by this agreement, the dollar amount of consumer refunds given (either by respondent directly or by retailers), and the number, name, and last known address of each claimant, if any, whose claim for refund has been denied by respondent.

F. Respondent's Record-Keeping Requirements

Respondent shall for at least two (2) years after service of this order, maintain and upon request make available to the Federal Trade Commission at a place it designates for

inspection and copying, sufficient records to identify:

- (1) The name and last known address of each purchaser of the HOME FREE who received reimbursement and the amount of such reimbursement; and
- (2) The name and last known address of each purchaser of the HOME FREE who requested reimbursement and was refused, and the reason for each refusal to reimburse.

III

It is further ordered that for a period of three (3) years after the last date of dissemination of any representation concerning the performance characteristics of efficacy of any product covered by this order, respondent shall maintain and upon request make available to the Federal Trade Commission for inspection and copying copies of all materials relied upon to substantiate such representation, and copies of all documents in respondent's possession that contradict, qualify, or otherwise call into question said representation, including complaints from consumers.

IV

It is further ordered that respondent shall for a period of three (3) years distribute, or cause to be distributed, a copy of this order to all present and future managerial employees, distributors, independent sales agents, and former, present, and future direct purchasers from respondent of any product covered by this order.

V

It is further ordered that for a period of ten years:

A. Respondent shall notify the Commission at least thirty (30) days prior to any proposed change in the respondent that may affect compliance obligations arising out of this order, such as dissolution, assignment of the ultrasonic pest control business, sale resulting in the emergence of a successor corporation, or the creation or dissolution of subsidiaries.

It is further ordered that respondent shall, within one-hundred and twenty (120) days after service upon it of this order, file with the commission a report, in writing, setting forth in detail the manner and form in which it has complied with this order.

Attachment A—Refund Announcement For Purchasers of the "Home Free" Pest Control Device

UNDER THE TERMS OF A FEDERAL TRADE COMMISSION ORDER, YOU ARE ENTITLED TO A REFUND FOR ANY "HOME FREE" PEST CONTROL

DEVICE BOUGHT ON OR AFTER JANUARY 1, 1984, UPON RETURN OF THE PRODUCT AT ANY TIME UNTIL [Date to Be Supplied: One Year From Date of Service of Order by Commission Upon Respondent]. THE FEDERAL TRADE COMMISSION HAS CHARGED THAT SUCH DEVICES ARE NOT EFFECTIVE FOR THE PURPOSES ADVERTISED. SEE YOUR RETAILER ABOUT OBTAINING THE REFUND OR CALL 1-800-624-3083 (if you are in California) or 1-800-344-4522 (if you are outside of California).

Attachment B—Statement of Purchase

TO OBTAIN A REFUND FROM A PARTICIPATING RETAILER, YOU MUST RETURN THE "HOME FREE" TO THE RETAILER AND SUBMIT EITHER (1) A DATED SALES RECEIPT OR (2) THIS FORM, COMPLETED AND SIGNED.

I purchased a HOME FREE pest control device from

on or after (Name of Retailer) January 1, 1984.

On penalty of perjury I certify that all of the above information is true and correct to the best of my knowledge. (See 28 United States Code § 1746 (1985)).

Date _____

(Signature) _____

(Address) _____

IF YOUR RETAILER IS NOT A PARTICIPATING RETAILER, OR YOU ARE UNABLE TO OBTAIN A REFUND FROM THE RETAILER FOR ANY REASON, YOU MAY OBTAIN A REFUND FROM THE MANUFACTURER BY SUBMITTING A DATED SALES RECEIPT OR THIS FORM (COMPLETED AND SIGNED) AND SHIPPING THE HOME FREE TO: 2055 University Drive, Compton, CA 90220, ATTN: Customer Service Department. YOU MAY SHIP THE DEVICE C.O.D. OR THE MANUFACTURER WILL REIMBURSE YOU FOR THE COST OF SHIPMENT. EACH REFUND FOR A HOME FREE PURCHASE IS LIMITED TO \$19.95 UNLESS YOU SUBMIT A SALES RECEIPT SHOWING YOU PAID A HIGHER PRICE.

Analysis of Proposed Consent Order To Aid Public Comment

The Federal Trade Commission has accepted an agreement to a proposed Consent Order from Saga International, Inc., 1220 West Walnut Street, Compton, California 90220.

The proposed Consent Order has been placed on the public record for sixty (60) days for receipt of comments by interested persons. Comments received during this period will become part of the public record. After sixty (60) days, the Commission will review the Agreement and the comments received and will decide whether it should withdraw from the Agreement or make final the Agreement's proposed order.

The respondent has been and is engaged in the manufacture and marketing of an ultrasonic pest control product called the "HOME FREE." In marketing the HOME FREE, respondent has said that the device is an effective alternative to the use of "dangerous chemicals," pesticides, sprays, and poisons. It has claimed that the HOME FREE will eliminate roaches, rats, mice, mosquitoes, crickets, fleas, flies, spiders and other crawling and flying pests from a home or place of business in four to six weeks.

According to the Commission's Complaint, the HOME FREE will not completely or permanently rid a home or place of business from insect or rodent infestation, nor will it do so within four to six weeks as claimed. The Complaint alleges that even though rodents can hear ultrasound, they rapidly habituate to it and any reaction by rodents to the HOME FREE would, at best, only be of short duration. According to the Complaint, the use of ultrasound is not an effective alternative to the use of conventional pest control products. The Complaint additionally charges that the respondent did not possess a reasonable basis for the product claims it made.

Respondent has signed an Agreement containing a Consent Order which requires it to cease and desist from representing that the HOME FREE or any ultrasonic pest control product will: (1) Eliminate cockroaches, rats, mice or other pests from a home or place of business; (2) eliminate rodents or insects within four to six weeks or within any other specified period of time; (3) protect an area from or cause an area to be free of rodents or insects; or (4) serve as an effective pest control alternative to the use of conventional products such as sprays or other chemicals.

The Order further requires respondent to refrain from making any performance claims for the HOME FREE or any other ultrasonic pest control product unless it possesses and relies upon competent and reliable evidence which substantiates the claims of performance.

The Order also requires respondent to refund the purchase cost of the HOME FREE to any consumer who purchased one or more of the devices after

December 31, 1983, and to give prominent publicity to purchasers' rights to refunds. To qualify for a refund under the Order, a purchaser need only return the device to a retailer or ship it to respondent at respondent's expense, and submit either a sales receipt or a simple form affidavit provided by the retailer. In the absence of a sales receipt showing that a greater amount was paid for the device, consumer refunds are limited under the terms of the Order to \$19.95 (plus postage, where applicable). Respondent is required under the Order to provide notice of the refund program to all retailers known by it or by its distributors to have sold the HOME FREE, and to encourage their participation in the refund program. The Order imposes special obligations upon respondent to ensure full participation in the refund program by retailers accounting for at least 75% of HOME FREE sales.

Finally, the Order imposes certain administrative obligations upon respondent, requiring it to notify the Commission of any proposed changes in its corporate structure and to notify all managerial and sales personnel of the Order by distributing a copy of the Order to each of them. The Order also requires respondent to file a compliance report and a special report relating to the results of the refund program.

Respondent's Agreement to enter into this Order is for settlement purposes only, and does not constitute an admission by respondent that it has violated the law as alleged in the Complaint issued with the Order.

The purpose of this analysis is to facilitate public comment on the proposed Order, and it is not intended to constitute an official interpretation of the Agreement and proposed Order or to modify its terms in any way.

Emily H. Rock,
Secretary.

[FR Doc. 12654 Filed 6-4-86; 8:45 am]

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SECURITIES AND EXCHANGE COMMISSION

17 CFR Part 240

[Release No. 34-23276; 40-15117; File No. S7-12-86]

Facilitating Shareholder Communications

AGENCY: Securities and Exchange Commission.

ACTION: Proposed rules.

SUMMARY: The Securities and Exchange Commission ("Commission") today is

publishing for comment proposals intended to implement provisions of the recently enacted Shareholder Communications Act of 1985. The proposals will govern: (1) The process by which registrants communicate with the beneficial owners of securities registered in the name of a bank, association, other entity that exercises fiduciary powers or other nominee; and (2) the proxy processing activities of banks, associations and other entities that exercise fiduciary powers. In addition, the Commission is proposing certain other amendments to: (1) Rules 14a-13 and 14c-7 which would permit registrants to request from both brokers and banks beneficial owner lists that exclude owners who purchased securities through an employee benefit plan; and (2) Rules 14a-3 and 14c-2 regarding when and under what conditions registrants are no longer obligated to deliver annual reports or proxy or information statements to security holders.

DATE: Comments should be received on or before July 31, 1986.

ADDRESS: Comments should be submitted in triplicate to Shirley E. Hollis, Acting Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549. Comment letters should refer to File No. S7-12-86. All comment letters received will be available for public inspection and copying in the Commission's Public Reference Room, 450 Fifth Street, NW., Washington, DC 20549.

FOR FURTHER INFORMATION CONTACT: Sarah A. Miller, (202) 272-2589, Office of Disclosure Policy, Division of Corporation Finance, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549.

SUPPLEMENTARY INFORMATION: The Commission is publishing for comment a new proposed Rule 14b-2 and corresponding revisions to Rules 14a-13¹ and 14c-7.² These proposals are intended to implement provisions of the recently enacted Shareholder Communications Act of 1985 by regulating the proxy processing activities of banks, associations and other entities that exercise fiduciary powers (hereinafter referred to collectively as "banks").³ The other

proposals relate to both banks and brokers. These proposals would amend Rule 14a-13 as to employee plan purchases and Rules 14a-3 and 14c-2⁴ as to proxy delivery obligations. Certain other clarifying amendments also are proposed to Rules 14a-1, 14b-1 and 14c-1.⁵

I. Executive Summary

On December 28, 1985, the Shareholder Communications Act of 1985 ("the Act") was enacted into law. That Act, which amends section 14(b) of the Securities Exchange Act ("Exchange Act")⁶, confers on the Commission authority to regulate the proxy processing activities of banks. The Act is to become effective December 28, 1986, one year after the date of enactment.

Pursuant to this authority the Commission may now regulate the proxy processing activities of banks in much the same manner that the Commission now regulates, under Rule 14b-1,⁷ the proxy processing activities of brokers and dealers. To permit recognition of the differences between the brokerage and banking industries and to avoid unnecessary confusion with respect to broker's obligations under Rule 14b-1, a new Rule 14b-2 is proposed. Proposed Rule 14b-2 delineates the obligations of banks in much the same manner that Rule 14b-1 presently does for brokers. These obligations include: (1) The process by which registrants communicate with the beneficial owners of securities registered in the name of a bank; and (2) the proxy processing activities of banks. The Commission also is proposing certain revisions to Rules 14a-13 and 14c-7 which specify a registrant's obligations in connection with forwarding proxy and information statements to beneficial owners, to reflect the role of banks in the system of shareholder communications.

With respect to the system of direct communications with beneficial owners, brokers and banks are required to provide registrants, upon their request, with lists of beneficial owners. For brokers, those lists include all beneficial owners who do not object to disclosure of their identity. For banks, however, the Act provides that the Commission shall not require disclosure of the names of beneficial owners of securities held in

powers as other than registered clearing agencies who hold in record name.

¹ 17 CFR 240.14a-13.

² 17 CFR 240.14c-7.

³ Pub. L. 99-222, 99 Stat. 1737 (1985). The term "associations" is intended to cover: (1) Entities such as savings and loan associations and savings banks that maintain trust and custodian accounts and (2) other entities that engage in similar fiduciary activities. See H.R. Rep. No. 181, 99th Cong., 1st Sess. 3. For purposes of the Act, the Commission is proposing to define entities that exercise fiduciary

⁴ 17 CFR 240.14a-3 and 240.14c-2.

⁵ 17 CFR 240.14a-1, 14b-1 and 14c-1.

⁶ 15 U.S.C. 78n(b) (1982).

⁷ 17 CFR 240.14b-1.

an account by the bank on the date of enactment unless the beneficial owner consents to such disclosure ("affirmative consent standard"). The Act requires the bank to employ a good faith effort to obtain consent from beneficial owners. The Commission can require and is proposing that the names of beneficial owners of securities held in an account opened by the bank after the date of enactment must be supplied to registrants unless the beneficial owner objects to disclosure ("non-objection standard").

In addition, the Commission is proposing certain amendments to Rules 14a-13 and 14c-7 which would permit registrants to request from both brokers and banks beneficial owner lists that exclude those beneficial owners who purchased securities through an employee benefit plan and to which the registrant has access to the beneficial owner's name and address by some other means.

Finally, the Commission is proposing certain other amendments to Rules 14a-3 and 14c-2 which would: (1) Clarify when a registrant is no longer obligated to deliver an annual report or a proxy or information statement to security holders; and (2) provide that a registrant's obligation to deliver an annual report or a proxy or information statement is reinstated once a security holder delivers or causes to be delivered to the registrant notice setting forth his then current address.

This release discusses the rule proposals which are intended to implement the provisions of the Act. In order to assist banks in their understanding of how the shareholder communications system works, the release also provides an overview regarding implementation of these proposals and discusses the background to the shareholder communications rules as applied to brokers and dealers.

II. Background

The legislation represents the implementation of a recommendation of the Commission's Advisory Committee on Shareholder Communications, contained in its report, *Improving Communications Between Issuers and Beneficial Owners of Nominee Held Securities*.⁸ Specifically, the Advisory Committee recommended legislation to confer on the Commission authority to regulate the proxy processing activities of banks in much the same manner that it regulates the proxy processing activities of brokers and dealers.

Previously, the Commission implemented Advisory Committee recommendations by substantially revising, *inter alia*, Rule 14b-1 in 1983.⁹ In addition to tightening the timetable within which activities under the rule take place, the Commission adopted paragraph (c) to Rule 14b-1 to provide a means of direct communication between registrants and their beneficial owners by requiring brokers to provide requesting registrants with the names, addresses, and securities positions of their customers who are beneficial owners of the registrant's securities and who have not objected to such disclosure. In August 1984, the Commission deferred the original effective date of paragraph (c) from January 1, 1985 to January 1, 1986.¹⁰ The deferral provided additional time to ensure the most effective implementation of the shareholder communications system. Representatives of the securities industry and the registrant community agreed that during this deferral period they would develop and establish both an efficient means of furnishing beneficial owner information to registrants and an appropriate schedule of reimbursement.

In September 1984, the New York Stock Exchange ("the NYSE") appointed the Ad Hoc Committee on Identification of Beneficial Owners. The Ad Hoc Committee, composed of members of both the securities industry and registrant community, was formed to resolve the reimbursement issue and to develop a workable and effective system that would be of maximum use to registrants and not burdensome to brokers. The Ad Hoc Committee largely resolved the problems which initially lead to the deferral of the effective date of Rule 14b-1(c). The reimbursement of start-up costs issue was resolved through self-regulatory organization ("SRO") rule changes that permit brokers to assess a \$.20 per proxy surcharge for the 1985 annual meeting proxy solicitation.¹¹ This surcharge,

together with an additional \$.185 surcharge for the 1986 annual meeting proxy solicitation, funds the start-up costs associated with furnishing the beneficial owner information to registrants.¹² The other cost issue—determination of reasonable costs for supplying beneficial owner lists—also has been addressed. Under the rules of the NYSE, registrants who request a list of non-objecting beneficial owners are obligated to pay \$.065 per name to the broker for providing this information.¹³

In August 1985, the Ad Hoc Committee drafted a model letter to aid brokers in communicating with their customers in order to ascertain whether or not they object to disclosure of their names, addresses, and securities positions. The NYSE forwarded that letter to brokers and to the American Stock Exchange and the National Association of Securities Dealers.

To make the system work and to ensure that registrants find the beneficial owner lists useful and meaningful, the Ad Hoc Committee also determined that an intermediary was necessary.¹⁴ By brokers employing an intermediary to compile and to supply beneficial owner lists to registrants, registrants are assured that the lists are compiled in a standardized manner. Moreover, brokers are assured that the source of the lists will be kept confidential. In addition, economies of scale can be realized by permitting brokers to delegate this function to an intermediary which maximizes costs savings while minimizing burdens on brokers. The Ad Hoc Committee requested proposals and selected Independent Election Corporation of America ("IECA") to serve as the intermediary between registrants and brokers in supplying lists of beneficial owners. The direct communications system became effective on January 1, 1986 and is operating smoothly and successfully.¹⁵

¹² The \$.185 surcharge rule change to the NYSE AND AMEX rules was approved by the Commission on February 11, 1986 and April 15, 1986, respectively. Release No. 34-22889 (February 11, 1986) [51 FR 5821]. Release No. 34-23131 (April 15, 1986) [51 FR 15083]. The Commission anticipates that other self-regulatory organizations soon will adopt as part of their proxy rules this surcharge for the 1986 annual meeting proxy solicitation.

¹³ Release No. 34-22889 (February 11, 1986) [51 FR 5821]. This fee does not include the fee to the intermediary which the Ad Hoc Committee also addressed. See Release No. 34-22889 at fn. 8.

¹⁴ Employing an intermediary is, however, not a condition to complying with the shareholder communications rules.

¹⁵ As of May 5, 1986, 1,816 requests for beneficial owner information involving 1,700 companies had been made through the central intermediary.

⁹ Release No. 34-20021 (July 28, 1983) [48 FR 35082].

¹⁰ Release No. 34-21339 (September 21, 1984) [49 FR 38096].

¹¹ The \$.20 surcharge rule change to the NYSE rules was approved by the Commission on March 28, 1985. Release No. 34-21900 (March 28, 1985) [50 FR 13297]. The Commission approved similar surcharges as part of the rules of the American Stock Exchange and National Association of Securities Dealers. Release No. 34-21915 (April 1, 1985) [50 FR 14069].

⁸ See Advisory Committee Report, June 1982, at 29-31.

III. Overview of Proposals

Currently, Rules 14a-13 and 14b-1 set forth two different procedures relating to the obligations of registrants and brokers in connection with communicating corporate information to beneficial owners. The first procedure relates to supplying proxy cards, proxy soliciting material and annual reports to record holders for distribution to beneficial owners, while the second procedure sets forth the requirements for those registrants who wish to communicate directly with their beneficial owners.

Proposed new Rule 14b-2 would extend to banks the requirements for communicating with beneficial owners under these two procedures when the securities of beneficial owners are held of record by banks. Proposed revisions to Rule 14a-13 would clarify registrants' obligations in connection with communicating with these beneficial owners.

Under the first procedure, registrants would continue to be required, pursuant to Rule 14a-13(a), to inquire of their record holders by means of a search card or otherwise the number of proxies and other proxy soliciting material or annual reports to security holders needed by the record holder to forward the material to beneficial owners. Record holders would include not only brokers and banks but now also associations and other entities that exercise fiduciary powers. The registrant must request this information at least 20 calendar days prior to the record date of the annual meeting. The new aspect of this system would require banks (and other entities) under proposed Rule 14b-2(a) to respond to this request within seven business days of receipt of the request. Upon receipt of the proxy, proxy soliciting material or annual report, the bank would be required, under proposed Rule 14b-2(b), to forward these materials within five business days of receipt to its customers who are beneficial owners.

Bank nominees often may hold securities for several other banks, each of which, in turn, may hold securities on behalf of other banks. This layering or piggybacking of accounts may create delays in distribution of corporate communications which are often of a time-critical nature. To alleviate such distribution delays, proposed Rule 14b-2(a)(1) would provide that the bank record holder respond, within seven business days of receipt, to the registrant's inquiry regarding the number of sets of proxy materials required for forwarding to beneficial owners on behalf of its customers who

are beneficial owners. With respect to those banks on whose behalf the bank record holder holds securities ("respondent banks"), proposed Rule 14b-2(a)(2) would require the bank record holder to forward to the respondent bank, by first class mail, the registrant's inquiry within one business day of receipt. Proposed Rule 14b-2(a)(1) also would require the bank record holder to indicate, at the time it responds to the registrant's Rule 14a-13(a) inquiry, the identity of any bank on whose behalf it holds securities¹⁶ and the date that it has forwarded the inquiry to the respondent bank.

Upon receipt of the registrant's inquiry from the bank record holder, the respondent bank would have seven business days, under proposed Rule 14b-2(a)(1), to respond to the inquiry. If other layers of banks exist, the procedure would be repeated. For example, on May 1, 1986, the bank record holder receives the registrant's inquiry, made pursuant to Rule 14a-13(a), for the number of proxies and other proxy soliciting material or annual reports to security holders needed by the bank record holder to forward the material to beneficial owners. The bank record holder would forward the registrant's inquiry by first class mail, pursuant to proposed Rule 14b-2(a)(2), to its respondent bank ("Bank B") on May 2, 1986. Seven business days after receipt of the registrant's inquiry or May 12, 1986, the bank record holder, pursuant to proposed Rule 14b-2(a)(1), would respond to the inquiry indicating: (1) The number of sets of proxy materials needed for distribution to its customers; (2) Bank B's identity, and (3) May 2, 1986, the date it forwarded the registrant's inquiry to its respondent bank.

On May 5, 1986, Bank B receives the registrant's inquiry from the bank record holder. On May 6, 1986, Bank B would forward, by first class mail, pursuant to proposed Rule 14b-2(a)(2), the registrant's inquiry to its respondent bank, Bank C. Seven business days after receipt of the registrant's inquiry or May 14, 1986, Bank B, pursuant to proposed Rule 14b-2(a)(1), would respond to the inquiry directly to the registrant indicating: (1) The number of sets of proxy materials needed for distribution to its customers; (2) Bank C's identity, and (3) May 6, 1986, the date it forwarded the registrant's inquiry to its respondent bank. Bank C, under proposed Rule 14b-2(a)(1), would respond to the inquiry directly to the

registrant seven business days after it received the inquiry from Bank B.

To assure that this system works smoothly and efficiently, the Commission envisions that the registrant will employ a search card format or some other similar mechanism that will be conducive to the bank record holder responding to the registrant's inquiry on behalf of its beneficial owner customers and forwarding the inquiry to its respondent banks. At the same time, the search card employed by the registrant also should permit any successive layers of respondent banks to perform their obligations under proposed rule 14b-2(a).

After receiving responses to its inquiry from record holders and any respondent banks, the registrant, pursuant to proposed amendments to Rule 14a-13(a)(3), would supply each record holder and respondent bank that has responded to the registrant's inquiry with the requisite number of sets of proxy soliciting material and annual reports to security holders needed to forward to beneficial owners. Because state law requires that the right to vote reside with the record owner,¹⁷ registrants would be required, under proposed amendments to Rule 14a-13(a)(3), only to supply record holders and not respondent banks with the requisite number of proxy cards needed to forward to beneficial owners.¹⁸ Record holder banks would then be required to forward the proxy cards to their respondent banks within one business day of receipt and the proxy card, proxy soliciting material or annual report within five business days of receipt to those of its customers who are beneficial owners but not respondent banks. Respondent banks, in turn, would be required to forward proxy soliciting material and annual reports, together with the proxy card received from the record holder bank, within five business days after receipt of the proxy card. If additional layers exist, the respondent bank must send along the proxy card within one business day. Under proposed Rule 14a-13, registrants would be obligated to pay the reasonable expenses of both bank record holders and respondent banks in connection with the mailing of the materials to beneficial owners.

Rule 14a-13(b) sets forth the requirements for those registrants who wish to communicate directly with their beneficial owners. In order to recognize the two different standards for obtaining

¹⁶ See further discussion of proposals concerning record holders' response to search cards *infra* at Section IV.E.1.

¹⁷ See, e.g., 8 Del. Code Section (1979).

¹⁸ See, discussion *infra* at Section IV.E.2.

beneficial owner approval for disclosure of identity as mandated by the Act, the system, as proposed to be changed to include banks, would require that the registrant must request a list of beneficial owners who either have affirmatively consented or do not object to disclosure of their names, addresses and securities positions. If the registrant makes such a request, it must make that request of all banks as well as all brokers having customers who are beneficial owners of the registrant's securities. Because the registrant, in making its Rule 14a-13(a) inquiry, will have ascertained the identity of any respondent banks on whose behalf the bank record holder holds securities, the registrant would make its request for a list of beneficial owners to all banks, not just record holder banks, who have customers who are beneficial owners of the registrant's securities. A registrant could request the beneficial owner information more often than once a year and the bank would be required to comply with any such request. The lists would be compiled as of the record date for the registrant's next annual or special meeting. If no meeting is scheduled and the registrant requests a list of its beneficial owners, that list would be compiled as of a date to be selected by the registrant that is no less than five business days after the bank receives the request. The bank would forward the beneficial owner information to the registrant no later than five business days after the compilation date of the list, e.g., the record date or other date selected. For example, if no annual or special meeting is scheduled and the bank receives a registrant's request for the list of beneficial owners on May 1, 1986, the list would be compiled as of a date selected by the registrant that is no earlier than May 8, 1986. The bank, in turn, would be required to forward the beneficial owner list to the registrant no earlier than May 15, 1986.

As the system currently applies to brokers, the proposed amendments would provide that, if it chooses, the registrant may mail annual reports directly to beneficial owners. At the time it submits a search card requesting the beneficial owner information, the registrant would notify the bank it intends to mail annual report directly to its non-objecting and affirmatively consenting beneficial owners. If so notified by the registrant, a bank would have no obligation in connection with that mailing to forward the annual report to non-objecting and affirmatively consenting beneficial owners but would have, of course, the obligation to

forward annual reports to those beneficial owners who either have not consented or objected to the disclosure of their identities.

The proposed amendments would provide that, without assurances of the registrant's reimbursement of reasonable expenses associated with satisfying its obligations with respect to communications with beneficial owners, a bank has no obligation to perform its obligations under Rule 14b-2 (b), (c) and (f). The registrant would have a corresponding obligation to pay a bank's reasonable expenses associated with providing beneficial owner information.

Finally, proposed Rule 14b-2(c) would provide that a bank may designate an agent or intermediary to act on its behalf in performing its obligations under Rule 14b-2(c). If the bank chooses to do so, the registrant would make its request for a list of non-objecting and affirmatively consenting beneficial owners to that designated agent. The registrant would learn the agent's identity when it submits, pursuant to Rule 14a-13(a), the search card requesting the number of proxy cards, proxy soliciting material and annual reports needed by the bank record holder and any of its respondent banks to forward to beneficial owners. The bank, in turn, would be required under Rule 14b-2(a), to identify its agent, if one has been designated. After receiving the registrant's request, the agent would notify all banks of the registrant's request. Banks would supply the information to the agent, who then would compile the information in a standardized delivery format and forward it to the registrant. Using the above example, the registrant would make its request to the designated agent for a list of non-objecting and affirmatively consenting beneficial owners. If no annual or special meetings is scheduled and the designated agent receives the registrant's request for the list on May 1, 1986, the list would be compiled as of the date selected by the registrant that is no earlier than May 8, 1986. The designated agent would make the request for a list of non-objecting and affirmatively consenting beneficial owners to all banks. Banks, in turn, would forward the requested information to the designated agent who would then compile the list and deliver it to the registrant no later than May 15, 1986.

IV. Specific Discussion of Proposals

A. 14A-1 Definitions

The Commission proposes to add a new paragraph (c) defining the term "entity that exercises fiduciary powers"

as any entity that holds securities in nominee name on behalf of a beneficial owner. New paragraph (c) also would make clear that the term does not include a clearing agency registered under Section 17A of the Exchange Act.¹⁹ Proposed paragraph (c) would further explain that, where a registered clearing agency is the record holder, the participants identified by such clearing agency in the securities position listing (as defined by Rule 17Ad-8²⁰) assume the rights and obligations associated with such record ownership under Rules 14a-13 and 14b-1 and proposed Rule 14b-2. An amendment cross-referencing proposed paragraph (c) also is proposed to be added to note 1 to Rule 14a-13(a).

B. 14a-3 Information To Be Furnished to Security Holders

The Commission proposes to amend Rule 14a-3(e)(2) in two ways.²¹ First, paragraph (e)(2) would be amended to provide that a registrant will be excused, unless state law requires otherwise, from delivering a proxy statement or annual report to any security holder of record if at least two "payments of" rather than "checks made in payment of" dividends or interest on securities sent to the security holder's address of record have been returned undeliverable. Such a revision would make clear that dividend or interest payments made other than by check, such as dividends payable in securities, also are to be considered in determining whether a registrant is excused from delivering a proxy statement or annual report to security holders.

Second, paragraph (e)(2) currently provides that a registrant's obligation to deliver the proxy statement or annual report is reinstated once it has the security holder's current address. The Commission proposed to amend this provision to provide that a registrant's obligation will be reinstated once a security holder delivers or causes to be delivered to the registrant notice for the purpose of setting forth his then current address.²² Under this proposal, a

¹⁹ 15 U.S.C. 78q-1 (1982).

²⁰ 17 CFR 240.17Ad-8.

²¹ One commentator submitted these proposed revisions in response to the Commission's request for comments on its recent proposal of comprehensive amendments to the proxy rules and schedules. See Release No. 33-6592 (July 1, 1985) [50 FR 29409]. Because the Rule 14a-3(e) exemption from delivery was derived, in part, from a recommendation of the Advisory Committee on Shareholder Communications, see Advisory Committee Report at 27-28, the Commission believes it is appropriate to consider these proposed revisions in conjunction with the other shareholder communications proposals discussed herein.

²² A similar provision is contained in 8 Del. Code § 230 (Supp. 1985).

registrant who has the security holder's current address as a result of dealings with the security holder in another context, such as if the security holder is the holder of a credit card issued by the registrant or has written to the registrant to complain about a product, would not be in violation of the rule if it had not resumed delivery of the annual report or proxy statements. This proposed revision would obligate a registrant to resume delivery, however, once the security holder has notified by means of a telephone, written communication or otherwise caused the registrant to be notified of his current address.

C. Rule 14a-13 Obligation of Registrants in Communicating With Beneficial Owners

Rule 14a-13, a registrant-related corollary to Rule 14b-1 and proposed Rule 14b-2, delineates a registrant's obligations in communicating with its beneficial owners and would work in tandem with both present Rule 14b-1 and proposed Rule 14b-2. Accordingly, the Commission proposes to amend Rule 14a-13 in several respects in order to recognize the role of the banks in the system of communications with beneficial owners.

First, Rule 14a-13 would be amended throughout to make clear that a registrant's obligations, such as making the appropriate inquiries of record holders and supplying record holders with the requisite proxy soliciting material, flow not only to brokers, dealers and banks but also to associations and other entities that exercise fiduciary powers.²³ Second, Rule 14a-13 would be revised to reflect the congressionally-mandated alternate standard of owner approval for disclosure of beneficial owner information required for bank customer accounts opened prior to December 28, 1985.²⁴ Specifically, Rule 14a-13 would be amended to reference both non-objecting and affirmatively consenting beneficial owners. Third, references in Rule 14a-13 to specific obligations of brokers under Rule 14b-1 would be expanded to include similar specific obligations of banks under proposed Rule 14b-2.

In addition, paragraph (a)(3) would be amended to reflect the piggybacking or layering of securities by banks.²⁵

Specifically, paragraph (a)(3) would require the registrant to supply proxy soliciting material and the appropriate number of annual reports to: (1) Record holders which would include not only brokers and dealers but also banks; and (2) banks that deposit for safekeeping customer securities with another bank who is listed on the stockholder list as the record holder. The rule would provide that the registrant need only supply proxy materials to those banks who deposit customer securities for safekeeping with other banks who have responded to the registrant's inquiry made under paragraph (a)(1) of Rule 14a-13 regarding the number of sets of proxy materials needed to supply beneficial owners. Because state law requires that record holders exercise the legal right to vote securities, Rule 14a-13(a)(3) would require registrants only to supply record holders and not respondent banks with the requisite number of proxy cards needed to forward to beneficial owners.

Paragraph (a)(3) also would be amended to provide that the registrant is obligated to reimburse those banks who deposit customer securities for safekeeping with the record holder the reasonable costs of completing the mailing or proxy soliciting material to beneficial owners. At present, registrants are only obligated to pay record holders the costs associated with mailing proxy soliciting material.

Paragraph (b) and (c) of Rule 14a-13 pertain to a registrant's obligations in connection with the system of direct shareholder communications. Under this system as proposed to be amended, registrants would request, under paragraph (b), access to the names, addresses and securities positions of non-objecting and affirmatively consenting beneficial owners. In this regard, the Commission is also including a proposal to amend paragraph (b)(1) to provide that a registrant need not include in its request for beneficial owners those owners who purchased securities through an employee benefit plan, such as an Employee Stock Ownership Plan ("ESOP") a Tax Reduction Act Stock Ownership Plan ("TRASOP") or a Payroll Stock Ownership Plan ("PASOP") and to which the registrant has access, by some other means, to the beneficial owner's name and address. Under this proposed amendment, registrants would not have to request and, therefore, pay for the names, addresses and securities

sending out search cards 20 calendar days before the record date. This and other time periods are discussed and comment concerning revisions is solicited *infra* at Section IV.E.1.

positions of its employees who are beneficial owners of the registrant's securities if they can identify those beneficial owners who are employees by some means other than through lists obtained pursuant to Rules 14b-1(c) or 14b-2(c), such as payroll deductions. This proposed amendment only would apply where the plan confers voting authority on its participants. If voting authority rests with the plan trustee, the trustee would be considered, for purposes of the shareholder communications rules, the beneficial owner. While this proposal would enable registrants to recognize cost savings in obtaining beneficial owner information, the Commission is concerned about the ability of record holders to excise such beneficial owners without undue effort or expense and specifically requests comments as to the workability of this proposal and the cost/benefit effects thereof. Specifically, in considering the costs and benefits associated with this proposal, commentators should be aware that if registrants request a list of beneficial owners that does not include those owners who purchased through employee benefit plans, registrants would not be able, under the current shareholder communications rules, to realize the cost saving associated with direct mailing of annual reports to security holders to those beneficial owners. Instead, registrants would be required to forward the annual reports to security holders to record holders for distribution and to pay the costs of record holders and respondent banks associated with such mailing. Therefore, the Commission requests comment on whether the rules should be further amended to permit registrant to mail annual reports to security holders directly to plan participants and what type of notice to record holders would be necessary in order to assure that all plan participants will receive annual reports. Upon receipt of sufficient notice, record holders would be relieved of distribution obligations.

Further, paragraph (c) would permit registrants to mail annual reports directly to those non-objecting and affirmatively consenting beneficial owners so long as the registrant choosing to do its own annual report mailing informed the banks of its intention at the time it submitted, pursuant to paragraph (a), a search card requesting the beneficial owner information.

²³ As would be defined in proposed Rule 14a-1(c) (see discussion Section IV.A, *supra*), entities that exercise fiduciary powers do not include clearing agencies registered under Section 17A of the Exchange Act.

²⁴ See discussion *infra* Section IV.E.3.

²⁵ Rule 14a-13(a)(2) requires registrants to begin the process of soliciting beneficial owners by

D. Rule 14b-1 Obligation of Registrant Brokers and Dealers in Connection With the Prompt Forwarding of Certain Communications to Beneficial Owners

The Commission proposes to revise the note to paragraph (c) of Rule 14b-1 to make clear that, with respect to requests not made in connection with a meeting, the five business day time period for calculating the compilation date for non-objecting beneficial owner lists commences upon receipt by the broker or its designated agent of the registrant's request.

E. Rule 14b-2 Obligations of Banks, Associations and Other Entities That Exercise Fiduciary Powers in Connection With the Prompt Forwarding of Certain Communications to Beneficial Owners

Proposed new Rule 14b-2 is intended to delineate a bank's obligations in connection with providing beneficial owner information to registrants and forwarding proxy soliciting material to beneficial owners. In proposing Rule 14b-2, the Commission has drawn upon its experience in regulating the proxy processing activities of brokers and the system of direct communications with beneficial owners. Thus, proposed Rule 14b-2, to the extent possible, parallels the requirements of 14b-1.

1. Proposed 14b-2(a)

Proposed paragraph (a) would provide that a bank must respond, within seven business days of receipt, to a registrant's inquiry, made under 14a-13(a)(1), regarding the number of proxy cards and other proxy soliciting material needed by the banks to forward the material to beneficial owners. Respondent banks who receive the registrant's inquiry from the bank record holder also would be required to respond to the registrant's Rule 14a-13(a)(1) inquiry within seven business days. Paragraph (a)(1) provides that that response would be sent directly to the registrant and not to the bank record holder.

Once a bank record holder receives the registrant's Rule 14a-13(a)(1) inquiry, it would be required under proposed Rule 14b-2(a)(2) to forward that inquiry, by first class mail or other equally prompt means, within one business day to its respondent banks. The phrase "other equally prompt means" would permit banks to use other advantageous methods such as overnight mail or some sort of electronic delivery, in forwarding the registrant's Rule 14a-13(a)(1) inquiry to its respondent banks. In responding to the registrant's Rule 14a-13(a)(1) inquiry,

banks would be required under proposed Rule 14b-13(a)(1) also to indicate the identity of any respondent bank and the date that it forwarded the registrant's inquiry to that bank.

The Commission notes that under proposed paragraph (a)(1) banks would be under the same time limits for responding to a registrant's Rule 14a-13(a)(1) inquiry as brokers currently are under Rule 14b-1(a) and, generally, a registrant would receive the banks' responses to its inquiry at the same time as it would receive broker responses. The practice of piggybacking bank accounts, however, will cause some delay in registrants receiving responses to the Rule 14a-13(a)(1) inquiry from respondent banks. For example, a bank record holder receives the registrant's Rule 14a-13(a) inquiry on May 1, 1986, and forwards it, by first class mail, pursuant to proposed Rule 14b-2(a)(2), to its respondent banks on May 2, 1986. Assuming three days for first class mail, the respondent banks would not receive the registrant's inquiry until May 6, 1986. The respondent bank would have, under proposed Rule 14b-2(a)(1), seven business days or until May 15, 1986, to respond to the registrant's inquiry while the bank record holder, pursuant to proposed Rule 14b-2(a)(1), would have to forward its response to the registrant's inquiry on May 9, 1986. The difference in response dates for bank record holders and respondent banks would increase, or course, depending on the number of layers of piggybacked accounts.

In view of the common practice of piggybacking bank accounts, and the delays attendant thereto, the Commission is soliciting specific comment on whether other revisions to the time periods for the beneficial owner solicitation process would be appropriate. First, the Commission inquires whether the proposed seven business day period for banks' response to the search card should be shortened and, if so, by how many days. Second, the Commission inquires whether Rule 14a-13(a) should require registrants to begin the process 30 calendar days before the record date instead of the 20 calendar days currently provided. The Commission notes that the latter change would advance the timetable for the process as a whole, including brokers.

2. Proposed Rule 14b-2(b)

a. Proposed system—separating proxy card from other material. Proposed paragraph (b) would require both bank record holders and respondent banks to forward proxy cards, proxy soliciting material and/or annual reports to security holders within five business

days of receipt, to those of its customers who are beneficial owners of the registrant's securities but are not respondent banks on whose behalf the securities are held. Record holder banks as well as respondent banks who hold on behalf of other banks would have an additional obligation to forward proxy cards to their respondent banks within one business day of receipt from his registrant. A registrant will learn the identity of respondent banks when the respondent banks respond directly to the registrant's Rule 14a-13(a)(1) inquiry thus relieving bank record holders from the responsibility of forwarding proxy soliciting material and annual reports to security holders to respondent banks. All record holders, including banks and brokers as well as any respondent banks, will receive the proxy soliciting material and annual reports to security holders for forwarding to their customers who are beneficial owners at approximately the same time. On the other hand, registrants will send proxy cards to record holders for forwarding to respondent banks beneficial owners. In order to ensure that those beneficial owners whose securities are held through respondent banks will receive their proxy cards with the proxy soliciting material, respondent banks would be required to wait until they receive the proxy cards and then forward complete sets of materials to their beneficial owner customers within five business days thereafter. While the Commission has attempted to minimize delays by requiring the proxy cards be forwarded to respondent banks within one business day of receipt, delays would increase depending on the number of layers of respondent banks involved. Accordingly, the Commission solicits specific comment on whether it should shorten the five business day forwarding requirement when respondent banks are involved in order to compensate for delays caused by the layering of accounts.

b. Discussion of proposed system and approaches. The Commission is seeking specific comment as to whether the proposed system of forwarding proxy material to the ultimate, i.e., voting, beneficial owner is the most practical and expeditious system or whether a different system would be preferable. The proposal entails sending the proxy card to respondent banks separately from the other proxy soliciting material. The respondent banks would then recombine the card with the other proxy material for forwarding to the beneficial owner. The Commission is concerned that this may create practical difficulties in the proxy process.

An alternative would require registrant to send enough complete sets (proxy card and soliciting material and/or annual report) to the record holder bank to supply its own beneficial owner customers as well those of the respondent banks on whose behalf it hold securities. Registrants would know the appropriate number as a result of the respondent banks' response to the search card. The record holder bank, after executing the proxy, would then be required to forward the complete sets to the respondent bank. This system would leave unchanged the current chain by which materials flow from the record holder, through the respondent bank, to the beneficial owner customer. Because the respondent bank frequently receives a limited number from the record holder, this alternative would require record holder banks to handle and forward sets of proxy materials that they do not now handle. The additional costs entailed would be reimbursable by the registrants. The proposed rule would avoid requiring this significant volume of paper to be processed and mailed at each level of respondent bank relationship.

Another alternative would have companies send complete sets, including proxy cards, directly to respondent banks and have the beneficial owners provide voting instructions to the bank record owners, similar to the process used by brokers. This approach would require a change from the current practice of some record holder banks in handling voting instructions. The bank record holder would then forward all signed proxy cards to the registrant. The record holder would still handle the proxy card, but would do so on the return phase of the process rather than at the outset, which is currently the practice for some banks.

A fourth alternative would be to have record holders execute, in the name of the respondent banks, powers of attorney, or omnibus proxies similar to that used by Depository Trust Company. This system would permit registrants to send the annual report, the proxy statement and proxy directly to the respondent banks for forwarding to beneficial owners. The respondent bank would execute the proxy. While some banks have suggested that the authorization process within the bank could be burdensome, the Commission believes that the practical efficiencies would seem to outweigh such burdens.

The Commission specifically requests commentators' views as to the preferability and feasibility of these four alternative approaches. The Commission also requests comments on

any modifications or refinements of these alternatives. The Commission specifically is considering all four of these alternatives and is interested in pursuing that alternative which public commentators indicate is the most effective.

3. Proposed Rule 14b-2 (c) and (f)

Proposed paragraph (c) delineates the banks' obligations in connection with registrants communicating directly with their beneficial owners. Proposed paragraph (f) would require any bank to provide a registrant, upon its request, with the names, addresses and securities positions of its customers who are beneficial owners of the registrant's securities, subject to the appropriate customer consent standard.

The registrant could request the beneficial owner list whenever it wants and the bank, in response to that request, would be required to provide the list. Specifically, the registrant could request the beneficial owner list to be compiled either as of the registrant's record date for its latest annual or special meeting of security holders or, if the request is not made in connection with a meeting, a date no earlier than five business days after receipt of the registrant's request. Banks would be required to respond to a registrant's request for beneficial owner lists within five business days of the compilation date.

With respect to determining customer consent to disclosure of beneficial owner information, proposed paragraph (c) differentiates between bank customer accounts opened on or before December 28, 1985, the date of enactment of the Act, and those bank customer accounts opened after December 28, 1985. Specifically, in order to disclose the names, addresses and securities positions of those bank customers who opened their accounts with banks on or before December 28, 1985, the customer would have to have affirmatively consented to disclosure of the information. For those bank customers who opened their accounts with banks after December 28, 1985, the customer would need only not object to disclosure of the beneficial owner information.

This distinction between accounts opened on or before December 28, 1985 and those opened after December 28, 1985 is consistent with authority given the Commission by the Shareholder Communications Act. That Act directs that the standard for obtaining customer consent for disclosure of beneficial owner information for bank customers whose accounts were opened prior to the date of enactment be one of

affirmative consent. The Act left to the Commission the discretion to establish the appropriate standard for customer consent for accounts opened after the date of enactment, *i.e.*, whether affirmative consent or the non-objection standard ultimately should apply to beneficial owner accounts held by banks.

In considering this question, Congress noted that, after an appropriate notice and comment period, the Commission established that a non-objection standard for brokers was the appropriate standard required for an effective implementation of the direct communications system. Congress was cognizant, however, of the special issues of privacy raised under state law with respect to existing bank customers and addressed these issues by applying an affirmative consent standard to existing accounts. As the House Report on the Act noted, however, banking industry representatives believed that these considerations would not apply to new customers, who could be advised upon the opening of an account that their names would be supplied to registrants unless they objected.²⁶ In view of the importance of the non-objection standard to the operation of the direct communications system and in recognition that brokers are held to a non-objection standard, the Commission believes that it is the appropriate standard to be applied after the date of the Act's enactment.

The Commission recognizes, however, that a question exists as to whether the application of this standard for the period of time between the date of enactment and the date of the rules' proposal poses undue burdens on banks. Accordingly, the Commission solicits specific comment on whether the Commission rules should require disclosure of beneficial owner information pursuant to a non-objection standard for bank customers whose accounts were opened after December 28, 1985, but before the proposal date of the rules contained herein.

With regard to obtaining customer consent for disclosure of beneficial owner information, the Commission anticipates that banks have incorporated into their customer account opening forms and procedures neutral language which explains the purposes of the direct shareholder communications system and is consistent with the non-objection standard for disclosure of beneficial owner information.

For those customer accounts opened on or before December 28, 1985,

²⁶ H.R. Rep. No. 161 at 3-4.

proposed paragraph (f) would provide that, unless banks make a good faith effort to obtain affirmative consent to disclosure of beneficial owner information, the disclosure must be made on a nonobjection basis. The two alternative proposals effect the directive of Congress that the affirmative consent standard adopted for existing bank accounts for privacy concern reasons is not used to frustrate the purposes of the direct communications system and hamper shareholder communications. Proposal I is intended to provide that bank notices to customers who opened accounts on or before December 28, 1985 contain neutral and complete explanations of the purposes of the direct communications rules.

Proposal II would add as a safe-harbor a specific delineation of what will be deemed to be a good faith effort to obtain affirmative consent to disclosure of beneficial owner information. This paragraph would provide that banks shall be deemed to have made a good faith effort to obtain affirmative consent to disclosure of beneficial owner information if: (1) The inquiry is phrased in neutral language, explaining the purpose of the disclosure and the limitations on the registrant's use thereof; (2) the inquiry is made either in at least one mailing separate from other account mailings or in repeated mailings; and (3) the mailing includes return card, postage paid enclosures. This alternative proposal would provide specific guidance to banks while, at the same time, satisfying Congress' intent in mandating the use of good faith efforts on the part of banks to obtain affirmative consent to disclosure of beneficial owner information for customer accounts opened on or before December 28, 1985.²⁷ In contrast to the first proposal, this alternative proposal may not provide the same flexibility to banks in complying with the good faith requirement. Accordingly, the Commission solicits specific comment on the appropriate level of specificity required in the proposed rule to ensure that banks use good faith efforts to obtain affirmative consent to disclosure of beneficial owner information from their customers.

Finally, proposed paragraph (c) would provide that, like brokers, banks may designate an agent or intermediary to act on its behalf in performing its obligations under this paragraph and that a registrant must make its request of such intermediary. Registrants will make the request for a nonobjecting and affirmatively consenting beneficial

owner list to the intermediary only after the bank's response to the search card identifying the intermediary is received. Should a bank later designate a new intermediary to act on its behalf, it would be to the benefit of all concerned parties for the bank to notify the registrant of this fact.

The Commission believes that the most effective implementation of the shareholder communications system would involve the use of an intermediary to compile and to supply beneficial owner lists. This will assure standardized delivery format and client confidentiality of banks. Further, economies of scale will be realized by maximizing cost savings while minimizing burdens on banks by permitting them to delegate this function to an intermediary. The fact that virtually all brokers have contracted with the intermediary to perform these functions indicates that brokers have found this to be the case.²⁸

The intermediary would serve as a central processing agent between banks and registrants in the transmission of lists of beneficial owners. In addition, the intermediary would act, on behalf of banks, in performing all administrative functions required in providing beneficial owner information, including: receiving requests for beneficial owner information from registrants; advising banks of the record date for a registrant's request; receiving customer lists from banks; preparing, in a standardized format, lists of nonobjecting and affirmatively consenting beneficial owners; and billing registrants for fees associated with providing the beneficial owner information.

Employing an intermediary, however, would not be a condition to complying with the shareholder communications rules. Accordingly, proposed Rule 14b-2 and proposed revisions to Rule 14a-13 recognize that a bank may not wish to employ an intermediary to act on its behalf and that, in such cases, the registrant must make the request directly to the bank.

4. Proposed Rule 14b-2(d) and (e)

In addition to recognizing that a bank may designate an agent to act on its behalf, Rule 14b-2(d) would make clear that, without assurance by the registrant of reimbursement of reasonable expenses, both direct and indirect, incurred in connection with performing its obligations under the rule, a bank

need not satisfy its obligations under proposed paragraphs (b), (c), and (f) of Rule 14b-2. A bank is obligated, under proposed paragraph (a), however, to supply the information requested by the registrant without regard to reimbursement.²⁹

Proposed paragraph (e) to Rule 14b-2 addresses the issue of how the "reasonable expenses" of banks for forwarding proxy soliciting material and annual reports and providing beneficial owner lists are to be determined. In the rules applicable to brokers, the Commission has long left to the exchanges and other self-regulatory organizations the determination of what constitutes "reasonable expenses" and therefore what fees brokers appropriately may charge for forwarding proxy soliciting material. The Commission took the same approach as to the "reasonable expenses" of providing beneficial owner lists, believing that, because the self-regulatory organizations represent the interests of both registrants and brokers, they were in the best position to make a fair allocation of the costs associated with the rules. In this regard, the Commission has approved rule changes by the New York Stock Exchange, American Stock Exchange and the National Association of Securities Dealers, based on recommendations of the Ad Hoc Committee. These rule changes permit the start-up costs associated with the implementation of the beneficial owner identification rule to be funded by a surcharge of \$.20 and \$.185 respectively per proxy for each of a registrant's first two annual meeting proxy solicitations subsequent to the approval of the surcharge.³⁰ In addition, the rule changes set a charge of \$.065 per name for registrants requesting beneficial ownership lists. The \$.065 rate of reimbursement to brokers does not include fees which may be charged by an intermediary agent used by the broker. The NYSE also noted that the Ad Hoc Committee had considered the fees IECA Intermediary Services

²⁹ Under Rule 14a-13(a)(3), a registrant is obligated to pay the record holder and respondent banks its reasonable expenses for completing the mailing of proxies, proxy soliciting material and/or annual reports to security holders to whom the material is sent.

³⁰ See Release Nos. 34-21900 (March 28, 1985) [50 FR 13297] (File No. SR-NYSE-85-2) and 34-21915 (April 1, 1985) [50 FR 14069] (File Nos. SR-NASD-85-7 and SR-Amex-85-2) approving first surcharge; Release No. 34-22889 (February 11, 1986) [51 FR 5821] (File No. SR-NYSE-85-43) approving second surcharge and setting per name charge; and Release No. 34-22908 (February 14, 1986) [51 FR 6847] (File No. SR-NYSE-85-46), approving increases in charges for forwarding proxy materials and annual reports.

²⁸ After requesting proposals, the Ad Hoc Committee selected Independent Election Corporation of America ("IECA") to serve as intermediary.

²⁷ H.R. Rep. No. 181 at 4.

proposes to charge registrants for its services and determined the charges to be reasonable.

Because comparable self-regulatory organizations do not exist for banks, however, the Commission is proposing a safe-harbor provision which would allow banks to look to the fees charged by brokers for the same functions. Thus, if a bank charges no more than that which may be charged by brokers, the amount it charges registrants as reimbursement of "reasonable expenses" incurred in connection with the Rule 14b-2 functions shall not be deemed to be unreasonable. This safe harbor provision would cover fees charged for forwarding materials, the start-up surcharges, the per name fee for beneficial owner information and charges for intermediary services. The provision also would be nonexclusive. Banks which incur greater expenses could seek additional reimbursement, subject to the "reasonable expenses" limitation in paragraph (d)(1).

5. Proposed Rule 14b-2(g)

Proposed paragraph (g) would define the term beneficial owner to include any person who has or shares voting power. If more than one person shares voting power, then the provisions of the instrument determining the basis on which shares are voted would govern regarding the vote as to disclosure of beneficial owner information. Because banks often hold securities in various types of accounts where voting may rest entirely with either the bank or the customer or voting authority is shared among trustees, the proposed definitional provision may be necessary to alleviate any difficulties in determining whether disclosure of the identity of the beneficial owner is appropriate.

F. Rule 14c-1

The Commission proposes to amend Rule 14c-1 which is the definitional section for those rules governing the distribution of information statements and annual reports to security holders to conform, to the extent possible, to proposed revisions to Rule 14a-1.

G. Rule 14c-2

The Commission proposes to amend Rule 14c-2 which governs the distribution of information statements and annual reports to security holders to conform, to the extent possible, to proposed revisions to Rule 14a-3.

H. Rule 14c-7

The Commission proposes to amend Rule 14c-7 which governs the distribution of information statements

and annual reports to security holders to beneficial owners to conform, to the extent possible, to proposed revisions to Rule 14a-13.

VI. Cost-Benefit Analysis

To evaluate fully the benefits and costs associated with proposed Rule 14b-2 and the proposed amendments to Rules 14a-1, 14a-3, 14a-13, 14c-2 and 14c-7, the Commission requests commentators to provide views and data as to the costs and benefits associated with the rules incorporating banks into the shareholder communications system. In this regard, the Commission notes that the proposals will improve the proxy distribution process between registrants and beneficial owners thus ensuring that security holders will be able to exercise informed voting decisions. Further, by bringing banks into the direct communications system, registrants will be able to forward certain corporate communications to their beneficial owners which also will result in an increase in informed voting decisions on the part of beneficial owners.

Registrants who mail corporate communications directly to beneficial owners whose securities are held of record by banks may realize increased cost savings. At present, registrants also may realize increased cost savings for those beneficial owners whose securities are held of record by brokers. As of May 5, 1986, 1,816 requests for beneficial owner information had been made, suggesting that registrants recognize the benefits associated with the direct communications system.

The costs associated with these proposals will result in banks being required to: (1) Process proxy materials; (2) respond to requests for beneficial owner information; and (3) perform certain recordkeeping obligations. Banks, however, will be reimbursed by registrants for the reasonable costs associated with performing these obligations. The proposals require that registrants who choose to avail themselves of the benefits associated with the proposals must reimburse banks for their reasonable costs incurred in performing their obligations.

VII. Regulatory Flexibility Act Inquiry

Proposed Rule 14b-2 and the corresponding revisions to Rules 14a-1, 14a-13, 14b-1, 14c-1 and 14c-7 and amendments to Rules 14a-3 and 14c-2 have been certified, pursuant to 5 USC 605(b), that, if promulgated, they will not have a significant economic impact on a substantial number of small entities. Nonetheless, because the Commission has not adopted a definition of small

business or organization that would encompass banks for purposes of these Rules, the certification states that the Commission intends to use the definition of small bank as contained in 17 CFR 240.0-10(f) (1) and (3), regarding a municipal securities dealer that is a bank. The Commission requests comment as to whether this definition is appropriate for purposes of these Rules.

VIII. Request for Comments

Any interested persons wishing to submit written comments on the proposed revisions to the shareholder communication rules, as well as on other matters that might have an impact on the proposals contained herein, are requested to do so.

The Commission also requests comment on whether the proposed revisions, if adopted, would have an adverse effect on competition that is neither necessary nor appropriate in furthering the purposes of the Exchange Act. Comments on this inquiry will be considered by the Commission in complying with its responsibilities under section 23(a)(2) of the Exchange Act.³¹

IX. Statutory Basis and Text of Proposed Amendments

These amendments are being proposed pursuant to sections 12, 14 and 23(a) of the Securities Exchange Act of 1934.

List of Subjects in 17 CFR Part 240

Reporting and recordkeeping requirements, Securities, Banks, Associations.

X. Text of Proposals

In accordance with the foregoing Title 17, Chapter II of the Code of Federal Regulations is proposed to be amended as follows:

PART 240—GENERAL RULES AND REGULATIONS, SECURITIES EXCHANGE ACT OF 1934

1. The authority citation for Part 240 is amended by adding the following citations: (Citations before * * * indicate general rulemaking authority).

Authority: Sec. 23, 48 Stat. 901, as amended; 15 U.S.C. 78w. * * * §§ 240.14a-1, 240.14a-3, 240.14a-13, 240.14b-1, 240.14b-2, 240.14c-1, 240.14c-2 and 240.14c-7 also issued under Sections 12, 15 U.S.C. 781, and 14, Pub. L. 99-222, 99 Stat. 1737, 15 U.S.C. 78n.

2. By redesignating current paragraphs (c) through (f) as (d) through (g) and by adding new paragraph (c) to § 240.14a-1 to read as follows:

³¹ 15 U.S.C. 78w(a)(2) (1982).

§ 240.14a-1 Definitions.

(c) *Entity that exercises fiduciary powers.* The term "entity that exercises fiduciary powers" means any entity that holds securities in nominee name on behalf of a beneficial owner but does not include a clearing agency registered pursuant to Section 17A of the Act. Where such registered clearing agency is the record holder, the participants identified by such clearing agency in the securities position listing (as defined by § 240.17Ad-8) assume the rights and obligations associated with record ownership under §§ 240.14a-13, 240.14b-1 and 240.14b-2.

3. By revising paragraph (e)(2) of § 240.14a-3 to read as follows:

§ 240.14a-3 Information to be furnished to security holders.

(e) * * *

(1) * * *

(2) Unless state law requires otherwise, a registrant is not required to send an annual report or proxy statement to a security holder if (i) an annual report and a proxy statement for two consecutive annual meetings or (ii) all, and at least two, payments (if sent by first class mail) of dividends or interest on securities during a twelve month period have been mailed to such security holder's address and have been returned undeliverable. If any such security holder delivers or causes to be delivered to the registrant notice setting forth his then current address for security holder communications purposes, a registrant's obligation to deliver an annual report or a proxy statement under this section is reinstated.

4. By revising § 240.14a-13 to read as follows:

§ 240.14a-13 Obligation of registrants in communicating with beneficial owners.

(a) If the registrant knows that securities of any class entitled to vote at a meeting (or by written consents or authorizations if no meeting is held) with respect to which the registrant intends to solicit proxies, consents or authorizations are held of record by a broker, dealer, voting trustee, or bank, association, other entity that exercises fiduciary powers or their nominees, the registrant shall:

(1) By first class mail or other equally prompt means: (i) inquire of such record holders: (A) whether other persons are the beneficial owners of such securities and if so, the number of copies of the proxy and other soliciting material necessary to supply such material to

beneficial owners; and, in the case of an annual (or special in lieu of the annual) meeting, or written consents in lieu of such meeting, at which directors are to be elected, the number of copies of the annual report to security holders necessary to supply such material to beneficial owners to whom such reports are to be distributed by the broker, dealer, voting trustee, or bank, association, other entity that exercises fiduciary powers or their nominees and not by the registrant; and (B) if the record holder has an obligation under § 240.14b-1(c) or § 240.14b-2(c), whether an agent has been designated to act on its behalf in fulfilling such obligation and, if so, the name and address of such agent; and (ii) indicate to such record holders which are brokers, dealers, or banks, associations or other entities that exercise fiduciary powers whether the registrant, pursuant to paragraph (c) of this section, intends to distribute the annual report to security holders to beneficial owners of its securities who either have consented or not objected to disclosure of their names, addresses and securities positions.

(2) Make the inquiry at least 20 calendar days prior to the record date of the meeting of security holders, or (i) if such inquiry is impracticable 20 calendar days prior to the record date of a special meeting, as many days before the record date of such meeting as is practicable or (ii) if, consents or authorizations are solicited, and such inquiry is impracticable 20 calendar days before the earliest date on which they may be used to effect corporate action, as many days as is practicable, or (iii) at such later time as the rules of a national securities exchange on which the class of securities in question is listed may permit for good cause shown; and

(3) Shall supply, in a timely manner: (i) the record holders of whom the inquiry is made with additional copies of the proxy, other proxy soliciting material, and/or the annual report to security holders, in such quantities, assembled in such form and at such a place, as the record holder may reasonably request in order to address and send one copy of each to each beneficial owner of securities who is to be furnished with such material by the broker, dealer, voting trustee, or bank, association, other entity that exercises fiduciary powers, or their nominees; and (ii) those banks, associations or other entities that exercise fiduciary powers on whose behalf the record holder holds securities and who have responded to the registrant's inquiry made under paragraph (a)(1) of this section, with additional copies of the proxy soliciting

material, and/or the annual report to security holders, (but not the proxy) in such quantities assembled in such form and at such a place, as such bank, association or other entity that exercises fiduciary powers may reasonably request in order to address and send one copy of each to each beneficial owner of securities who is to be furnished with such material by such bank, association or other entity that exercises fiduciary powers. The number of annual reports supplied shall be sufficient to supply those beneficial owners to whom the report is to be distributed by the broker, dealer, voting trustee, or bank, association, other entity that exercises fiduciary powers, or their nominees. The registrant shall upon the request of such record holder or such bank, association or other entity that exercises fiduciary powers, pay its reasonable expenses for completing the mailing of such material to security holders to whom the material is sent.

Note 1.—If the registrant's list of security holders indicates that some of its securities are registered in the name of a clearing agency registered pursuant to section 17A of the Act (e.g., Cede & Co., nominee for the Depository Trust Company), the registrant shall make appropriate inquiry of the clearing agency and thereafter of the participants in such clearing agency who may hold on behalf of a beneficial owner, and shall comply with the above paragraph with respect to any such participant (see § 240.14a-1(c)).

Note 2.—The attention of registrants is called to the fact that brokers, dealers, or banks, associations and other entities that exercise fiduciary powers have an obligation pursuant to § 240.14b-1(b), § 240.14b-2(b) and applicable self-regulatory organization requirements to obtain and forward, within the time periods prescribed therein, (a) proxy soliciting materials to all beneficial owners, and (b) annual reports to security holders, to all beneficial owners unless the registrant has notified the broker, dealer, or bank, association or other entity that exercises fiduciary powers that it has assumed responsibility to mail such material to consenting and non-objecting beneficial owners in which case the broker, dealer, or bank, association and other entity that exercises fiduciary power shall mail such material to non-consenting and objecting beneficial owners.

(b) Any registrant requesting pursuant to § 240.14b-1(c) and § 240.14b-2(c) a list of names, addresses and securities positions of beneficial owners of its securities who either have consented or have not objected to disclosure of such information shall:

(1) Request such list from all brokers, dealers, or banks, associations and other entities that exercise fiduciary powers (through their agents) having customers who are beneficial owners of

the registrant's securities *provided, however*, such request for a list of beneficial owners need not include beneficial owners of securities where (A) those beneficial owners have purchased securities pursuant to an employee benefit plan as defined in § 230.405; and (B) the registrant has access, by some means other than pursuant to paragraph (b) of this section to the beneficial owner's name and address;

(2) Use the information so furnished exclusively for purposes of corporate communications; and

(3) Upon the request of such brokers, dealers, or banks, associations or other entities that exercise fiduciary powers, through their agents, pay the reasonable expenses, both direct and indirect, of providing beneficial owner information.

Note.—A registrant will be deemed to have satisfied its obligations under paragraph (b) of this section by requesting consenting and non-objecting beneficial owner lists from a designated agent acting on behalf of the broker, dealer, or bank, association or other entity that exercise fiduciary powers and paying to that designated agent the reasonable expenses of providing the beneficial owner information.

(c) A registrant, at its option, may mail its annual report to security holders to the beneficial owners whose identifying information is provided by brokers, dealers, or banks, associations or other fiduciary entities that exercise fiduciary powers, through their agents, pursuant to § 240.14b-1(c) and § 240.14b-2(c), provided that such registrant notifies the brokers, dealers, or banks, associations or other fiduciary entities that exercise fiduciary powers, at the time a search card requesting the beneficial owner information in accordance with paragraph (a) of this section is sent that the registrant will mail the annual report to security holders to the beneficial owners so identified.

5. By revising paragraph (c) and the note to paragraph (c) of § 240.14b-1 to read as follows:

§ 240.14b-1 Obligation of registered brokers and dealers in connection with the prompt forwarding of certain communications to beneficial owners.

(c) Through its agent or directly, provide the registrant, upon the registrant's request, with the names, addresses and securities positions, compiled as of a date specified in the registrant's request which may be the registrant's record date for its next annual or special meeting of security holders, or, if not in connection with a meeting, another date which is no earlier than five business days after

receipt of the registrant's request, of its customers who are beneficial owners of the registrant's securities and who have not objected to disclosure of such information. A broker or dealer, through its agent or directly, will be required to transmit the data to the registrant no later than five business days after the record date or other date specified by the registrant.

Note.—Where a broker or dealer employs a designated agent to act on its behalf in performing the obligations imposed on the broker or dealer by paragraph (c) of this section, the five business day time period for determining the date as of which the beneficial owner information for non-meeting lists is to be compiled is calculated from the date the designated agent receives the registrant's request. In complying with the registrant's request for beneficial owner information under paragraph (c) of this section, a broker or dealer need only supply the registrant with the names, addresses and securities positions of non-objecting beneficial owners.

6. By adding § 240.14b-2 to read as follows (There are alternative proposals for paragraphs (f) and (g)):

§ 240.14b-2 Obligation of banks, associations and other entities that exercise fiduciary powers in connection with the prompt forwarding of certain communications to beneficial owners.

A bank, association or other entity that exercises fiduciary powers shall:

(a)(1) Respond directly to the registrant no later than seven business days after receipt of an inquiry made in accordance with § 240.14a-13(a) by or on behalf of a registrant soliciting proxies, consents or authorizations by indicating, by means of a search card or otherwise: (i) the approximate number of its customers who are beneficial owners of the registrant's securities that are held of record by the bank, association, other entity that exercises fiduciary powers or its nominees;

(ii) With respect to customer accounts opened on or before December 28, 1985, the number of customers who are beneficial owners of the registrant's securities and who have affirmatively consented to disclosure of their names, addresses and securities positions if the registrant has indicated, pursuant to § 240.14a-13(a)(1)(ii), that it will distribute the annual report to security holders to beneficial owners of its securities who have affirmatively consented to disclosure of their names, addresses and securities positions; (iii) with respect to customer accounts opened after December 28, 1985, the number of customers who are beneficial owners of the registrant's securities and who have not objected to disclosure of

their names, addresses and securities positions if the registrant has indicated, pursuant to § 240.14a-13(a)(1)(ii), that it will distribute the annual report to security holders to beneficial owners of its securities who have not objected to disclosure of their names, addresses and securities positions; (iv) the identity of any bank, association or other entity that exercises fiduciary powers on whose behalf it holds securities and the date that it has forwarded the inquiry made in accordance with § 240.14a-13(a) to those banks, associations or other entities that exercise fiduciary powers on whose behalf it holds securities; and (v) the identity of its designated agent, if any, acting on its behalf in fulfilling its obligations under paragraph (c) of this section;

(2) Upon receipt of the inquiry made in accordance with § 240.14a-13(a) by or on behalf of a registrant soliciting proxies, consents or authorizations, forward the inquiry, by first class mail or other equally prompt means, within one business day to those banks, associations or other entities that exercise fiduciary powers on whose behalf it holds securities.

(b) Upon receipt of the proxy, other proxy soliciting material, and/or annual reports to security holders, forward: (1) such materials to its customers who are beneficial owners of the registrant's securities (but are not banks, associations, or other entities that exercise fiduciary powers on whose behalf it holds securities) no later than five business days after the receipt of the proxy material or annual reports; (2) the proxy to those banks, associations or other entities that exercise fiduciary power on whose behalf it holds securities no later than one business day after the receipt of the proxy; *Provided, however*, that banks, associations or other entities that exercise fiduciary powers which receive other proxy soliciting material pursuant to § 240.14a-13(a)(3)(ii) shall not forward such material pursuant to paragraph (b)(1) of this section until such entities have received the proxy pursuant to paragraph (b)(2) of this section, at which time such entities shall then forward all such materials together, within the five business day period provided by paragraph (b)(1) of this section; and

(c) Through its agent or directly, provide the registrant, upon the registrant's request, with the names, addresses and securities positions, compiled as of a date specified in the registrant's request which may be the registrant's record date for its next annual or special meeting security holders, or, if not in connection with a

meeting, another date which is no earlier than five business days after receipt of the registrant's request, of: (1) With respect to customer accounts opened on or before December 28, 1985, its customers who are beneficial owners of the registrant's securities and who have affirmatively consented to disclosure of such information, subject to paragraph (f) of this section; and (2) with respect to customer accounts opened after December 28, 1985, its customers who are beneficial owners of the registrant's securities and who have not objected to disclosure of such information. A bank, association or other entity that exercises fiduciary powers, through its agent or directly, will be required to transmit the data to the registrant no later than five business days after the record date or other date specified by the registrant.

Note.—Where a bank, association or other entity that exercises fiduciary powers employs a designated agent to act on its behalf in performing the obligations imposed on the bank, association or other entity that exercises fiduciary powers by paragraph (c) of this section, the five business day time period for determining the date as of which the beneficial owner information for non-meeting lists is to be compiled is calculated from the date the designated agent receives the registrant's request. In complying with the registrant's request for beneficial owner information under paragraph (c) of this section, a bank, association or other entity that exercises fiduciary powers need only supply the registrant with the names, addresses and securities positions:

(1) With respect to customer accounts opened on or before December 28, 1985, of its customers who are beneficial owners of the registrant's securities and who have affirmatively consented to disclosure of such information, subject to paragraph (f) of this section; and (2) with respect to customer accounts opened after December 28, 1985, of its customers who are beneficial owners of the registrant's securities and who do not object to disclosure of such information.

(d) A bank, association or other entity that exercises fiduciary powers need not satisfy: (1) its obligations under paragraphs (b), (c) and (f) of this section if a registrant does not provide assurance of reimbursement of its reasonable expenses, both direct and indirect, incurred in connection with performing the obligations imposed by this section; or (2) its obligation under paragraph (b) of this section to forward annual reports to consenting and non-objecting beneficial owners identified by the bank, association or other entity that exercises fiduciary powers, through its agent or directly, pursuant to paragraph (c) of this section if the registrant notifies the bank, association or other entity that exercises fiduciary powers pursuant to § 240.14a-13(c) that the registrant will mail the annual report to such consenting and non-objecting

beneficial owners, identified by the bank, association or other entity that exercises fiduciary powers and delivered in a list to the registrant pursuant to paragraph (c) of this section.

(e) For purposes of determining the fees which may be charged to registrants pursuant to § 240.14a-13(b)(3) and paragraph (d)(1) of this section for performing obligations under paragraphs (b), (c) and (f) of this section, an amount no greater than that permitted to be charged by brokers or dealers for reimbursement of their reasonable expenses, both direct and indirect, incurred in connection with performing the obligations imposed by § 240.14b-1 shall not be deemed to be unreasonable.

Alternative Proposal I

(f) For customer accounts opened on or before December 28, 1985, unless banks, associations and other entities that exercise fiduciary powers have made a good faith effort to obtain affirmative consent to disclosure of beneficial owner information pursuant to paragraph (c) of this section, such information shall be provided as to customers who are beneficial owners and do not object to disclosure of such information.

(g) For purposes of this section, the term "beneficial owner" includes any person who has or shares voting power which includes the power to vote, or to direct the voting of, such security.

Note.—If more than one person shares voting power, the provisions of the instrument creating that voting power shall govern with respect to whether disclosure of beneficial owner information is made.

Alternative Proposal II

(f) For customer accounts opened on or before December 28, 1985, unless banks, associations and other entities that exercise fiduciary powers have made a good faith effort to obtain affirmative consent to disclosure of beneficial owner information pursuant to paragraph (c) of this section, such information shall be provided as to customers who are beneficial owners and do not object to disclosure of such information. Banks, associations and other entities that exercise fiduciary powers shall be deemed to have made a good faith effort to obtain affirmative consent to disclosure of beneficial owner information if: (1) The inquiry is phrased in neutral language, explaining the purpose of the disclosure and the limitations on the registrant's use thereof; (2) the inquiry is made either in at least one mailing separate from other account mailings or in repeated mailings; and (3) the mailing includes return card, postage paid enclosures.

(g) For purposes of this section, the term "beneficial owner" includes any

person who has or shares voting power which includes the power to vote, or to direct the voting of, such security.

Note.—If more than one person shares voting power, the provisions of the instrument creating that voting power shall govern with respect to whether disclosure of beneficial owner information is made.

§ 240.146-1 [Amended]

8. Section 240.14c-1 is amended by redesignating paragraphs (b) through (e) as paragraphs (c) through (f), respectively, and by adding a new paragraph (b) to read as follows:

(b) *Entity that exercises fiduciary powers.* The term "entity that exercises fiduciary powers" means any entity that holds securities in nominee name on behalf of a beneficial owner but does not include a clearing agency registered pursuant to section 17A of the Act. Where such registered clearing agency is the record holder, the participants identified by such clearing agency in the securities position listing (as defined by § 240.17Ad-8) assume the rights and obligations associated with record ownership under § 240.14c-7.

9. By revising § 240.14c-2(a) to read as follows:

§ 240.14c-2 Distribution of information statement.

(a) In connection with every annual or other meeting of the holders of a class of securities registered pursuant to section 12 of the Act, including the taking of corporate action with the written authorization or consent of the holders of a class of securities so registered, the registrant of such securities shall transmit a written information statement containing the information specified in Schedule 14C (§ 240.14c-101) or written information statements included in registration statements filed under the Securities Act of 1933 on Form S-4 or F-4 (§ 239.25 or 239.34 of this chapter) or Form N-14 (§ 239.23 of this chapter), and containing the information specified in such form, to every security holder of the class that is entitled to vote or give an authorization or consent in regard to any matter to be acted upon and from whom a proxy, authorization or consent is not solicited on behalf of the registrant pursuant to section 14(a) of the Act: *Provided however*, that (1) in the case of a class of securities in unregistered or bearer form, such statements need be transmitted only to those security holders whose names are known to the registrant, and (2) no such statements need be transmitted to a security holder if a registrant would be excused from delivery of an annual report or a proxy statement under Rule 14a-3(e)(2) (§ 240.14a-3(e)(2)) if such section were applicable.

10. By revising § 240.14c-7 to read as follows:

§ 240.14c-7 Providing copies of material for certain beneficial owners.

(a) If the registrant knows that securities of any class entitled to vote at a meeting, or by written authorizations or consents if no meeting is held, are held of record by a broker, dealer, voting trustee, or bank, association, or other entity that exercises fiduciary powers or their nominees, the registrant shall:

(1) By first class mail or other equally prompt means, inquire of such record holders whether other persons are the beneficial owners of such securities and, if so, the number of copies of the information statement necessary to supply such material to beneficial owners and, in the case of an annual (or special in lieu of the annual) meeting, or written consents in lieu of such meeting, at which directors are to be elected, the number of copies of the annual report to security holders, necessary to supply such material to such beneficial owners for whom proxy material has not been and is not to be made available and to whom such reports are to be distributed by the brokers, dealer, voting trustee, or bank, association, other entity that exercises fiduciary powers on their nominees and not by the registrant; and

(2) Indicate to such record holders which are brokers, dealers, or banks, associations or other entities that exercise fiduciary powers whether the registrant pursuant to paragraph (c) of this section, intends, to distribute the annual report to security holders to beneficial owners of its securities who either have consented or objected to disclosure of their names, addresses and securities positions; and

(3) Supply, in a timely manner: (i) such record holder of whom the inquiry is made; and (ii) those banks, associations or other entities that exercise fiduciary powers on whose behalf the record holder holds securities and who have responded to the registrant's inquiry made under paragraph (a)(1) of this section, with additional copies of the information statement and the annual report to security holders, in such quantities, assembled in such form and at such a place, as the record holder or bank, association or other entity that exercises fiduciary powers on whose behalf the record holder holds securities may reasonably request in order to address and send one copy of each to each beneficial owner of securities who is to be furnished with such material by the broker, dealer, voting trustee, or bank, association, other entity that exercises fiduciary powers or their nominees. The number of annual reports

supplied shall be sufficient to supply those beneficial owners to whom the report is to be distributed by the broker, dealer, voting trustee, or bank, association, (other entity that exercise fiduciary powers or their nominees. The registrant shall, upon the request of such record holder or bank, association or other entity that exercises fiduciary powers on whose behalf the record holder holds securities, pay its reasonable expenses for completing the mailing of such material to security holders to whom the material is sent.

Note 1.—If the registrant's list of security holders indicates that some of its securities are registered in the name of a clearing agency registered pursuant to section 17A of the Act (e.g., "Cede & Co.," nominee for the Depository Trust Company), the registrant shall make appropriate inquiry of the clearing agency and thereafter of the participants in such a clearing agency who may hold on behalf of a beneficial owner, and shall comply with the above rule with respect to any such participant (see § 240.14c-1).

Note 2.—The requirement for sending an annual report to security holders of record having the same address will be satisfied by sending at least one report to a holder of record at that address provided that those holders of record to whom a report is not sent agree thereto in writing. This procedure is not available to registrants, however, where banks, associations, other entities that exercise fiduciary powers, brokers and dealers and other persons hold securities in nominee accounts or "street names" on behalf of beneficial owners, and such persons are not relieved of any obligation to obtain or send such annual report to the beneficial owners.

Note 3.—The attention of registrants is called to the fact that brokers, dealers, and banks, associations and other entities that exercise fiduciary powers have an obligation pursuant to applicable self-regulatory organization requirements to obtain and forward, in a timely manner, (a) information statements to all beneficial owners, and (b) when requested by the registrant annual reports to security holders to beneficial owners for whom such brokers and dealers hold securities.

(b) Any registrant requesting a list of names, addresses and securities positions of beneficial owners of its securities who either have consented or not objected to disclosure of such information shall:

(1) Request such list from all brokers and dealers (through their agents) having customers who are beneficial owners of the registrant's securities *provided however*, such request for a list of beneficial owners need not include beneficial owners of securities where (i) those beneficial owners have purchased securities pursuant to an employee benefit plan as defined in § 230.405; and (ii) the registrant has access, by some means other than pursuant to paragraph

(b) of this section, to the beneficial owner's name and address;

(2) Use the information so furnished exclusively for purposes of corporate communications; and

(3) Upon the request of such brokers, dealers, and banks, associations, and other entities that exercise fiduciary powers, through their agents, pay the reasonable expenses, both direct and indirect, of providing beneficial owner information.

Note.—A registrant will be deemed to have satisfied its obligations under paragraph (b) of this section by requesting consenting and non-objecting beneficial owner lists from a designated agent acting on behalf of the broker, dealer, or bank, association or other entity that exercises fiduciary powers and paying to that designated agent the reasonable expenses of providing the beneficial owner information.

(c) A registrant, at its option, may mail its annual report to security holders to the beneficial owners whose identifying information is provided by brokers, dealers, or banks, associations and other entities that exercise fiduciary powers, through their agents, provided that such registrant notifies the brokers, dealers, or banks, associations and other entities that exercise fiduciary powers in accordance with paragraph (a) of this section that the registrant will mail the annual report to security holders to the beneficial owners so identified.

By the Commission.

Shirley E. Hollis,
Acting Secretary.
May 29, 1986.

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DEPARTMENT OF LABOR

Employment and Training Administration

20 CFR Part 655

Labor Certification Process for the Temporary Employment of Aliens in Agriculture: Adjustments to Piece Rates

AGENCY: Employment and Training Administration, Labor.

ACTION: Proposed rule.

SUMMARY: The Employment and Training Administration (ETA) of the Department of Labor (DOL) is proposing to amend its regulations for the certification of nonimmigrant aliens for temporary employment in agriculture in the United States. The proposed rule would amend the procedures for adjustment of piece rates employers offer and pay to United States and alien workers. The rule would require each piece rate to be no less than the prevailing piece rate for the crop activity

in the area of intended employment. It would also permit productivity requirement increases if justified by the employer and approved by the ETA Regional Administrator (RA). The rule would also discontinue the requirement that piece rates be designed to produce average hourly earnings at least equal to the adverse effect wage rate (AEWR).

DATES: Written comments on the proposed rule must be received on or before July 7, 1986.

ADDRESS: Send written comments to: Assistant Secretary of Labor, Employment and Training Administration, Room 8100, Patrick Henry Building, 601 D Street NW., Washington, DC 20213. Attention: Mr. Richard C. Gilliland, Director, U.S. Employment Service.

FOR FURTHER INFORMATION CONTACT: Mr. Thomas M. Bruening. Telephone: (202) 376-6228.

SUPPLEMENTARY INFORMATION:

I. Background

A. Temporary Alien Labor Certification Process

Whether to grant or deny an employer's petition to import a nonimmigrant alien to the United States for the purpose of temporary employment is solely the decision of the Attorney General and his designee, the Commissioner of the Immigration and Naturalization Service (INS). 8 U.S.C. 1101(a)(15)(H)(ii) and 1184(c); 8 CFR 2.1. Pursuant to the requirement in 8 U.S.C. 1184(c) that the Attorney General consult with appropriate agencies of the Government concerning the importation of nonimmigrant (so called "H-2") workers, INS has determined that prior to granting or denying such a petition, it first will request the Department of Labor (DOL) to advise INS on availability of qualified United States workers for the jobs offered to the H-2 aliens, and whether the wages and working conditions attached to such a job offer will adversely affect similarly employed U.S. workers.

Pursuant to the INS regulations, the Employment and Training Administration (ETA) has published regulations at 20 CFR Part 655, Subpart C, for the certification of temporary employment of nonimmigrant aliens in agriculture and logging in the United States. DOL has determined that similarly employed U.S. workers have been adversely affected by the importation and employment of nonimmigrant aliens in agricultural employment. It has been determined further that employment of those aliens in a number of States at wages below specially computed adverse effect wage rates (AEWRs) would adversely affect the wages of similarly employed U.S. workers. 20 CFR 655.202(b)(9) and 655.207.

B. Piece Rates in the H-2 Program

Many employers who seek certification to employ foreign workers use the piece rate method of paying workers. The Department of Labor's (DOL's) regulation currently in effect on piece rates under this program provides that:

(i) in any year in which the applicable adverse effect rate is increased, employers shall adjust their piece rates upward to avoid requiring a worker to increase his or her productivity over the previous year in order to earn an amount equal to what the worker would earn if the workers were paid at the adverse effect rate.

20 CFR 655.207(c) (1983); see 43 FR 10306, 10317 (March 10, 1978).

Historically, DOL has determined that workers should not be required to increase their level of productivity in order to earn, at a minimum, the hourly AEWR. See, e.g., 20 CFR 655.207(c) (1983); 20 CFR 602.10b(a)(2) (1971). Conversely, if the employer's piece rate for a particular crop activity allowed the average worker to receive earnings at or above the AEWR, that piece rate has been acceptable. Thus, if average hourly earnings for the average worker in the preceding year equalled or exceeded the applicable AEWR, the piece rate for that crop activity did not need to be raised. This interpretation of DOL's regulation on piece rates was reflected in its issuance to ETA regional offices and to State Job Service Agencies in General Administration Letter (GAL) No. 46-81, issued in September 1981.

In 1982 and 1983, the U.S. District Court for the District of Columbia, in two orders resulting from a suit filed by farmworkers (*NAACP, Jefferson County Branch v. Donovan*), issued an interpretation of the established regulation which differed with the Department's original intent in promulgating it. 566 F. Supp. 1202 (D.D.C. 1983); and 558 F. Supp. 218 (D.D.C. 1982). The court rule and ordered that the piece rates be increased each time the AEWRs are increased, based upon productivity in the specific crop activity in 1977, or the first year after 1977 in which the employer first entered the program. The 1977 productivity rate is determined by dividing the 1977 AEWR by the piece rate paid for that crop activity. Under this formula, the current piece rate would be equal to the current AEWR divided by the 1977 productivity rate or the 1977 piece rate increased by the same percentage as the increase in the AEWR since 1977.

Under the court's interpretation, employers who had paid a higher than average piece rate in 1977, and whose workers received, at that time, earnings above the adverse effect level, would have been bound to maintain their

workers at levels of earnings above the hourly AEWR required by 20 CFR 655.207. In order to clarify its original intent, DOL promulgated a revised rule (20 CFR 655.207(c) (1985), 48 FR 40168 (September 2, 1983)) to reinstate and to reflect the original intent.

In promulgating the 1983 rule, the adjective "U.S." was added to modify the noun "workers" in the final rule to clarify DOL's intent, although the adjective had not appeared in the July 22, 1983, proposed rule. Addition of "U.S." was in response to public comments on the proposed rule and made it clear that in each year piece rates would be based on previous year's average earnings of U.S. workers. Some employers in Florida challenged this addition of "U.S." before the U.S. District Court for the Southern District of Florida. That court found, in a ruling issued March 19, 1984, that the piece rate regulation, as amended, was partially invalid, holding that adequate notice and opportunity to comment was not provided on the addition of the adjective "U.S." in the final regulation. In *Florida Fruit and Vegetable Association v. Donovan*, 583 F. Supp. 268 (S.D. Fla. 1984), the court ordered that the six references to "U.S." be deleted. However, it further held that the "final rule as modified, which is exactly as it was proposed, is a valid final rule." Only the procedure by which the adjective "U.S." was included in the final rule was questioned by the court, not the substance of the rule itself. (A similar ruling was issued later by the U.S. District Court in Burlington, Vermont, *Shoreham Cooperative Apple Producers' Association, Inc. v. Donovan*, Civ. No. 83-326 (D. Vt. November 9, 1984)).

While the Florida federal court struck down the revised rule on Administrative Procedure Act (APA) grounds, the U.S. District Court for the District of Columbia, in an order issued on August 15, 1984, found that the rulemaking had complied with the APA. *NAACP, Jefferson County Branch v. Donovan*, Civ. No. 82-2315 (D.D.C. August 15, 1984). This ruling was appealed by attorneys representing workers.

In order to satisfy the Florida federal court ruling of March 1984 (and the later Vermont federal court ruling), DOL published a notice in the *Federal Register* on December 10, 1984, announcing (and requesting comments on) a proposed rulemaking to repromulgate the piece rate rule to include the adjective "U.S." before "workers". 49 FR 48061. Following the review of submitted comments, a final rule was published on June 21, 1985. 50 FR 25705. Then, on July 8, 1985, the U.S. Court of Appeals for the District of

Columbia Circuit issued a ruling which overturned the decision made in the U.S. District Court for the District of Columbia on August 15, 1984. *NAACP, Jefferson County Branch v. Brock*, 765 F. 2d 1178 (D.C. Cir. 1985), *rev'g*, Cir. No. 82-2315 (D.D.C. August 15, 1984). The D.C. Circuit ruled that DOL had not sufficiently identified and justified a change in policy as required by the Administrative Procedure Act. This had the effect of reinstating the piece rate regulation at 20 CFR 655.207(c) as published in the Federal Register at 43 FR 10317, on March 10, 1978, and interpreted by the U.S. District Court for the District of Columbia in its 1982 and 1983 orders (556 F. Supp. 1202 and 558 F. Supp. 218). See *NAACP, Jefferson County Branch v. Brock*, Civ. No. 82-2315, final order and judgment (D.D.C. August 21, 1985). Subsequent to this development, ETA took steps to abide by the interpretation of the court and to condition 1985 temporary alien agricultural labor certifications upon employers' assurances to pay piece rates computed according to the D.C. District Court's interpretations.

All East Coast apple growers who were required to pay the piece rates did provide the necessary assurances that they would do so, with the exception of two growers in West Virginia. When the West Virginia growers were denied certification, they filed suit against DOL in the U.S. District Court for the Northern District of West Virginia. *Tri-County Growers, Inc. v. Brock*, Civ. No. 85-38-M (N.D.W.Va.); *Feller v. Brock*, Civ. No. 85-37-M (N.D.W.Va.). The West Virginia federal court, on August 28, 1985, ordered DOL to certify the temporary employment of H-2 workers by these growers, on the provision that the growers establish escrow accounts to cover the piece rate differences in dispute. These two cases (since then being heard together) are still pending.

Although 1985 certifications were issued to other apple growers who agreed to pay the required rates, information provided to ETA in September 1985 by farmworker attorneys indicated that the rates were not being paid. Subsequently, most of the growers sued DOL on this issue on September 20, 1985, contending that DOL could not require them to pay the rates because they were not parties to the litigation in the U.S. District Court for D.C. that resulted in the higher piece rate requirements. This case is pending before the U.S. District Court in the Western District of Virginia. *Frederick County Fruit Growers' Association v. Brock*, Civ. No. 85-01421H (W.D.Va.). Subsequent payroll audits performed by

ETA revealed that about two-thirds of the certified growers who had agreed to pay the rates as a condition of certification were not doing so. Pending a final ruling on the case, the Virginia federal court, on December 17, 1985, also ordered the growers to escrow the amounts in dispute.

II. Scope of Piece Rate Regulation Review and Considerations Involved

A. Scope of Review

A DOL/USDA interagency task force was established to examine possible alternatives to the current piece rate regulation at 20 CFR 655.207(c). While the piece rate regulation revisions promulgated in 1983 and 1985 were invalidated by the courts in 1985, the decision of the U.S. Court of Appeals for the District of Columbia Circuit clearly provided an opportunity for DOL to reexamine that regulation, consider other options, and if it chose, to change the rule. *NAACP, Jefferson County Branch v. Brock*, 765 F. 2d 1178 (D.C. Cir. 1985). The court wrote:

We emphasize again that *NAACP I* and *NAACP II* do not themselves prevent DOL from altering its piece rate regulation even in a way that would represent a dramatic shift in policy. Those decisions require only that the Department admit that the new regulation is a change of policy.

765 F. 2d at 1183. The court continued:

We do not hold that no reasoned justification for the new piece rate regulation is possible. The Department may find, for example, that the as-yet-unconsidered consequences of the new regulation are overborne by problems the old regulation engendered. But we are not now positioned to consider the reasonableness of any particular explanation DOL might proffer to salvage its current regulatory formulation.

As a reviewing court, "we may not supply a reasoned basis for the agency's action that the agency itself has not given." (Citation omitted) Accordingly, we reverse the District Court's judgment and remand the case to the District Court with instructions to return the amended regulation to DOL so that the Department may proceed to reconsider the matter in a manner consistent with this opinion.

765 F. 2d 1185.

DOL therefore undertook to examine the piece rate issued de novo, evaluating not only the reinstated 1978 rule and the 1983 and 1985 revisions which were invalidated by the courts, but also several other options.

B. Considerations Involved in Review

A number of considerations involving basic H-2 program objectives, administrative feasibility and economic factors were carefully weighed in reviewing the piece rate issue.

The major ones were:

1. Under the Immigration and Nationality Act and INS regulations, DOL has a mandate to protect the wages and job opportunities of U.S. workers. Specifically, DOL is responsible for determining whether U.S. workers are available to perform the work for which nonimmigrant foreign workers are being sought, and whether the employment of such aliens will adversely affect the wages of working conditions of similarly employed U.S. workers. Protecting the job opportunities and wages and working conditions of U.S. workers is of paramount importance when considering any aspects of the program. This objective must be balanced, however, with a concern for the legitimate business interests of growers.

2. The hourly adverse effect wage rate (AEWR) is the primary wage standard designed to protect the jobs and earnings of U.S. workers; not the federal or State minimum wage, or the prevailing wage, or average hourly earnings, or piece rates. Piece rate requirements have always been defined in relation to the AEWR.

3. With the exception of the NEWWR, which tends to be more than the prevailing wage, other wage and working condition requirements which are not specifically required as a minimum are related to those which are prevailing among U.S. workers similarly employed.

4. DOL has traditionally been concerned about situations where employers require increasing productivity, in piece-rate-paid occupations, in order to achieve a given hourly wage standard. Thus, the H-2 program regulations have contained language expressing that concern. This language was the basis for litigation brought by farmworker attorneys in 1982, which resulted in the interpretation upheld by the DC Circuit in 1985, cited above, requiring that piece rates be increased by the same proportion as the AEWR increases. The courts accepted the plaintiffs' contention that the DOL rule meant that a productivity increase could not be required or result for any U.S. worker because of an AEWR increase. The courts rejected DOL's contention that the rule was meant to prevent productivity increases required for the average U.S. worker.

5. While many of DOL's programs are concerned solely with the interests of U.S. workers, it is clear in the H-2 program that the interests of both workers and growers must be balanced. This principle has been clearly enunciated in federal court decisions.

6. Information on prevailing piece rates is collected by certain State Employment Security Agencies (SESAs). Information is obtained by crop and crop area. The survey, however, does not contain, for most States, sufficient information on aggregate earnings and hours worked to convert data to average hourly earnings.

7. Information on worker productivity is currently available only from payroll records of H-2 growers. These records have always been, by regulation, subject to on-site audit; in 1985, the Office of Management and Budget (OMB), approved the submission of such records to ETA for U.S. workers employed in 1983-1985. These records permit calculations of whether the "average U.S. worker" earned the AEWR. The records, however, are usually not detailed enough to make this determination separately for activities paid at different piece rates with the same grower and present other problems when no U.S. workers are employed.

8. The proportionate increase approach uses 1977 as the base year, implying that the productivity requirements in that year were appropriate. In addition to questioning the validity of that year's requirements, there are problems in determining what the appropriate requirement should be for new growers entering the H-2 program. The DC federal court's interpretation permitted new growers to use their current standards for the first year (subject to DOL administrative review against prevailing standards), which became the base for subsequent years' piece rate determinations. In DOL's view, based upon its experience and expertise, it is questionable whether this approach is appropriate for new States and crops which may come into the program.

9. The proportionate increase formula calls for grower-by-grower determinations. An approach using whatever productivity rates existed in 1977, or the first year a grower utilized the H-2 program thereafter, could result in inequities between growers if the productivity differences were not due to justifiable factors. Similarly, grower-by-grower determinations under the "average U.S. worker" approach could result in inequities due to a small number of nonrepresentative U.S. workers.

10. In considering whether productivity requirements should be permitted to change, whether on a grower-by-grower or area-wide basis, for justifiable reasons, the administrative requirements including objective criteria, staff expertise

required and consistency of application must be considered. The availability of USDA State Extension Service Offices to assist in the process requires consideration.

11. Piece rates are generally accepted as a valuable tool which can be set within management's discretion to achieve desirable productivity and earnings outcomes, to the benefit of both employers and workers. Preservation of this principle is inherent in any piece rate regulation review.

12. While it is possible that workers' earnings could be manipulated by growers in changing productivity requirements, it should be recognized that there are many legitimate and desirable reasons for such productivity changes—from season-to-season, between growers, and even within one grower's operation. A piece rate regulation should give weight to the possibility.

III. Options Considered

Building on recommendations made by the DOL/USDA Task Force, DOL considered five major options for addressing the piece rate regulation issue. For two of those options, two sub-options were considered for each; for two more of the options, one sub-option was considered for each.

All of these options assume no change in any other aspects of the H-2 program. Only the treatment of piece rates was considered within the scope of review. This ruled out numerous other possible options for the treatment of piece rates, such as tying them to an hourly standard other than the AEWR, (e.g., the prevailing hourly rate or the Federal or State minimum wage). Since the AEWR is the primary wage standard in the H-2 program, DOL did not consider a piece rate approach tied to any other hourly standard.

Similarly, DOL did not consider possible options which would not address the productivity issue at all.

For example, the prevailing piece rate could be required with an AEWR guarantee, with no consideration of how the piece rate earnings of the U.S. workers relate to the AEWR, and with no administrative oversight of the productivity requirements on job orders.

Another option was not considered because it does not relate to "U.S. workers similarly employed," namely, the "average worker" approach. This was the construction of DOL's 1983 rule by a Florida federal court. *Florida Fruit and Vegetable Association, Inc. v. Donovan*, 583 F. Supp. 268 (S.D. Fla. 1984). It would base the adequacy of the piece rate on whether the "average worker" (including foreign workers as

well as U.S. workers) can earn the AEWR. Because of the generally higher productivity of the specially selected foreign workers, this would result in considerably lower piece rates, and would not protect the wage standards of similarly employed U.S. workers as required by law and regulation.

Each option has two major elements: (1) The basic derivation of the required piece rate, (e.g., the prevailing piece rate, as determined by State employment security agency (SESA) wage surveys, or a rate indexed to AEWR changes, as in the DC District Court approach); and (2) how productivity requirements are dealt with (e.g., self contained by the piece rate methodology itself, as in the court's approach, or by firing thresholds designated by growers in job orders and administratively examined by DOL). All options would require make-up pay to the AEWR level for any worker who did not earn the AEWR at the required rate. 20 CFR 655.202(b)(9)(ii) (1985).

Description of these options and a summary of pertinent factors for each option follow:

Option 1—Continue with the current regulation, as interpreted by the U.S. District Court for DC. Under this approach, the piece rate is adjusted each year by the percent change in the AEWR. The basis of these calculations are 1977 productivity rates which are determined on a grower-by-grower basis by dividing the 1977 AEWRs by the piece rates paid at that time. The current piece rate is then determined by dividing the current AEWR by the 1977 productivity rate (this is the equivalent of increasing the 1977 piece rate by the same percentage as the increase in the AEWR since 1977). In the case of a grower who uses the H-2 program for the first time in a year later than 1977, the productivity rate for that year is used as the basis for calculating the current piece rate, subject to DOL administrative review against prevailing standards. This approach is basically self contained with respect to productivity requirements; i.e., the required piece rate adjustments would assure that U.S. workers would not have to increase their productivity in order to earn the AEWR when it is raised.

Sub-option A: Permit justifiable productivity requirement increases from the base year standard, on a grower-by-grower basis, based on information submitted by individual growers. Adjust required piece rates accordingly.

Sub-option B: Use area-wide, rather than grower-by-grower prevailing productivity standards in 1977 among H-2 growers, as base (or first year of H-2

wage in an area); permit area-wide justifiable productivity standard increases from the base year, based on information submitted by grower associations representing an area.

Adjust required piece rates accordingly.

Option 2—Repromulgate the "average U.S. worker" approach, as promulgated in September 1983 and June 1985 and later invalidated on APA grounds by the courts, including procedures for addressing the productivity requirement increase issue noted by the U.S. Court of Appeals for the D.C. Circuit. Under this approach, the prevailing piece rate, as determined by ETAA-232 reports, is required as a minimum. Upward adjustments are required only if the average U.S. workers' productivity in the previous year would not yield the current AEWR at the prevailing piece rate. In that case, the piece rate would be increased by the amount necessary to yield the AEWR. This would be applied on an area-wide basis.

Sub-option A: Add administrative oversight of productivity requirements on job orders. Use 1977 as base year, on grower-by-grower basis; permit justifiable productivity increases based on information submitted by individual growers.

Sub-option B: Same as Sub-option A, except on area-wide, rather than grower-by-grower, basis.

Option 3—Minimum piece rates would be no less than the prevailing piece rates in the area of intended employment, as determined by ETA-232 report findings. Administratively review productivity requirements on job orders (firing threshold). Use 1977 as base year, on grower-by-grower basis; permit justifiable productivity requirement increases based on information submitted by individual growers.

Sub-option A: Same, except on areawide, rather than grower-by-grower, basis.

Option 4—Require that the prevailing piece rate, plus a differential be paid. The differential could account for previous and prospective adverse effect, plus approximately 15 percent for social security and unemployment insurance taxes not paid for foreign workers. This approach would be self contained with respect to productivity requirements; i.e., the higher piece rate would assure that U.S. workers would not have to increase their productivity in order to earn the AEWR when it is raised.

Option 5—Have no piece rate requirement except to insure that piece rate earnings be supplemented, when necessary, by make-up pay, to reach the AEWR level; administratively control productivity requirements on job orders (firing threshold). Use 1977 as base year,

on grower-by-grower basis; permit justifiable productivity increases based on information submitted by individual growers.

Sub-option A: Same, except on area-wide, rather than grower-by-grower, basis.

Factor Summary

Option 1—Proportionate Increase Approach

- Provides strongest assurance that no productivity increases would be required, or result, for U.S. workers.
- Administratively feasible and easy, once base productivity rates have been established for individual growers, and for separate activities performed for a grower.
- Addresses to some degree the contention that the prevailing piece rate has probably already been adversely affected by the use of foreign workers, and would continue to be in the absence of this or a similar requirement.
- Provides strong incentives for U.S. workers to seek jobs with H-2 growers.
- Departs for AEWR as main wage standard; departs from "prevailing" principle; may require rates far in excess of prevailing piece rates.
- Automatic increases tied to 1977 base (or first year in program) do not provide for justifiable productivity increases; they discourage management initiatives to improve productivity.
- Designation of 1977 (or first year) as base year is arbitrary; based only on date chosen in D.C. federal court decision, but not based on any objective study or assessment by DOL. Could result in inequities between growers in same area, and between new and veteran H-2 program users.
- Undermines use of piece rate as management tool; growers would probably abandon piece rates in favor of hourly rates plus bonuses.

Sub-option A: Permit justifiable productivity increases, grower-by-grower.

- Provides for justifiable productivity requirement increases.
- Increases administrative complexity; may require staff resources and expertise not available in DOL.
- Sub-option B:** Permit justifiable productivity requirement increases, area-wide.
- Increases administrative complexity.
- May not provide for justifiable productivity requirement increases for individual growers.

Option 2—Repromulgate Average U.S. Worker Approach

- Recognizes principle of not requiring undue productivity increases, without being inflexible; attempts to balance productivity concerns with principle of AEWR being main wage standard.
- Automatically permits some (but not all) justifiable productivity increases, without complex administrative burden of determining such increases on a case-by-case basis. Preserves piece rate as management tool to some extent.
- Tends to support "prevailing" concept in H-2 program, and standards for "U.S. workers similarly employed."
- Administratively feasible.
- Overcomes, to some degree, argument that prevailing piece rate has been and will continue to be adversely affected by foreign workers.
- May require, or result in, some increases in productivity requirements for U.S. workers unrelated to justifiable changes; this is the issue on which the DC Circuit invalidated DOL's 1985 rule.
- Has a number of administrative shortcomings and problems:
 - (1) large administrative burden for DOL;
 - (2) paperwork burden on employers to submit complete payroll records;
 - (3) payroll records cover only U.S. workers employed by H-2 growers, not all U.S. workers similarly employed;
 - (4) distortions may occur in some areas due to scarcity of U.S. workers;
 - (5) may be a big problem in new States and crops;
 - (6) growers' records are generally not well maintained, with insufficient detail for determining piece rate adequacy for separate activities (e.g., drop vs. fresh market picking).
- Contains some disincentives for H-2 growers to hire low producing U.S. workers who may not be able to earn AEWR at prescribed piece rates.
- Sub-option A:** Review productivity firing threshold administratively, grower-by-grower.
- Strengthens observance of productivity principle; removes major defect identified by DC Circuit.
- Increases administrative burden in determining justifiable productivity increases.
- Reintroduces an arbitrary base year standard.
- Sub-option B:** Review productivity administratively on an area-wide basis.
- Strengthens productivity principle observance; addresses weakness identified by DC Circuit.

- Fails to recognize justifiable productivity variances between individual growers.

Option 3—Prevailing Piece Rate; Administratively Control Productivity Firing Threshold

- Recognition of AEWR as main wage standard.
- Gives strong support to prevailing standards principle in H-2 program and to standards for "U.S. workers similarly employed."
- Recognizes and addresses productivity requirement concerns; at same time, permits justifiable productivity requirement increases.
- Survey already in place (Domestic In-season Farm Labor Report, Form ETA-232) for obtaining prevailing piece rates; no new data collection required; survey contains adequate categorization by crop and area.
- Supports piece rate as management tool; provides flexibility to growers.
- Would result in discontinuation of requirement at 655.202(b)(9)(ii) that piece rate should yield AEWR—major policy change.
- Has administrative shortcomings and problems which must be acknowledged: (1) ETA-232 report is not as structured as USDA surveys; (2) determining justifiable productivity requirement increases may be administratively complex; (3) may require staff resources and expertise not available in DOL.
- Relatively low piece rates may be disincentive for U.S. workers to seek jobs with H-2 growers; may also be disincentive for growers to hire U.S. workers, since relatively few would be able to earn AEWR.

Sub-option A: Same, except review productivity on area-wide basis.

- May be somewhat easier to administer than grower-by-grower determinations.
- Penalizes individual growers who may introduce productivity-improving innovations.

Option 4—Prevailing Piece Rate Plus Differential

- Addresses productivity requirement concerns.
- Once formula for differential is established, would be easy to administer; ETA-232 report would provide base data; no problem with selecting a base year.
- Easy to apply to new growers, and those who don't use any U.S. workers.
- Compensates for past (and future) adverse effect on piece rates from use of foreign workers.
- Relatively high piece rates will be incentive for U.S. workers to seek jobs

with H-2 growers; growers will have little disincentive to hire U.S. workers, most could earn AEWR.

- Departs from long-standing DOL principle of AEWR as main wage standard.
- Departs from prevailing standards principle of H-2 program; does not relate to standards of "U.S. workers similarly employed."
- Where an area/crop is dominated by H-2 workers, there will be constant escalation as this year's required piece rate (prevailing rate plus differential) becomes next year's prevailing rate, to which a differential will be added.
- Difficult to determine and document amount of differential for past adverse impact.
- Represents major departure from past DOL policy, and practice.
- Does not provide sufficient flexibility for justifiable productivity requirement increases.
- Disregards piece rate as management tool.
- Significant increase in labor costs may be required.

Option 5—No Piece Rate Requirement; Review Productivity Firing Threshold Administratively, Grower-by-Grower

- Unequivocally establishes AEWR as main wage standard.
- Recognizes and addresses productivity requirement concerns.
- Easy to administer; no surveys or payroll records needed.
- Gives maximum flexibility to account for justifiable productivity increases in setting piece rates; gives maximum flexibility to piece rate as management tool.
- Contradicts prevailing standard principle in H-2 program on major wage issue; does not address standards of U.S. workers similarly employed.
- Administratively complex determining justifiable grower-by-grower productivity firing thresholds; may require staff resources and expertise not available in DOL.
- Does not address issue that piece rates may have already been adversely affected by use of foreign workers.
- Highly productive foreign workers may hold down, or drive down further, prevailing piece rates.
- Probably poorest incentive of the five options for U.S. workers to seek jobs with H-2 growers; probably least incentive of the five options for H-2 growers to seek U.S. workers.
- Sub-option A:* Same, except review productivity requirements on area-wide basis.

- May be somewhat easier to administer than grower-by-grower determinations.
- Penalizes individual growers who may introduce productivity-improving innovations.

IV. Method Selected

DOL has concluded that Option 3 is the best method for administering a piece rate policy in the H-2 program. This option represents the most balanced approach, taking into account the primary program responsibility to protect wages of U.S. workers, considerations of administrative feasibility and the legitimate concerns of agricultural employers that excessive piece rate earnings at levels maintained consistently above the AEWR will result in an economic disincentive to utilize domestic or certified foreign workers.

DOL recognizes that this approach departs from long standing policy that piece rates be designed to yield the AEWR (20 CFR 655.202(b)(9)(ii) and that Option #2 (with Sub-option A) would not result in this change. However, DOL believes there are too many practical weaknesses in the available tools for implementing Option #2. These weaknesses would present particularly serious problems when applying this approach to growers, crops and States coming into the program for the first time.

Under Option #3, growers would be required to offer and pay no less than the prevailing piece rate in the area of intended employment. This is currently a minimum Employment Service System-wide requirement for all agricultural employers who utilize the agricultural clearance system under the DOL regulation at 20 CFR 653.501(d)(4). The prevailing rate is determined by State Employment Service (ES) agencies and submitted in ETA-232 reports for review by ETA. Since the early 1950's, State ES agencies have been required to conduct annual prevailing wage surveys in areas where a sizable number of migratory farmworkers are employed or requested through the agricultural clearance order system, or where one or more "H-2" foreign workers are employed. The survey is conducted during the peak of the crop activity and consists of employer and worker interviews. Collected data are area and crop specific (e.g., apple picking in the Hudson Valley of New York). The surveys gather data on domestic worker wages only; H-2 workers are excluded. However, employers who hire both domestic and foreign workers at the same time are contacted for wage information on their domestic workers.

Along with requiring the payment of the prevailing piece rate as a minimum, DOL proposes to administratively review and determine the validity of productivity minimum requirements on job orders.

Beginning in 1986, all H-2 growers who pay by the piece rate will be required to specify minimum productivity levels required of workers to insure job retention on their job orders if they have not done so before, and if such productivity requirements are conditions of employment. Such levels will be permitted to move upward from their 1977 levels (or first year after 1977 in the program) only if they are justified in writing to the Regional Administrator and are approved by ETA. Thereafter, any future productivity increases must be justified in a similar fashion for technological, economic or other reasons on a yearly basis. (A paper prepared by the U.S. Department of Agriculture, "Factors Affecting Productivity of Agricultural Hand Field Workers," which was utilized by DOL in this proposed rulemaking is reprinted as an appendix to this Notice of Proposed Rulemaking.) For employers entering the program for the first time, minimum productivity requirements may not exceed those which are normally required by other employers growing similar crops in the area of intended employment.

V. Discretion in Establishing a Piece Rate Adjustment Policy

Section 214(c) of the Immigration and Nationality Act gives the Attorney General (and his designee the Commissioner of INS) broad discretion in the admission of nonimmigrant aliens to the United States. 8 U.S.C. 1184(c); 8 CFR § 2.1. With respect to determinations under the immigration laws on the availability of U.S. workers for jobs offered to nonimmigrant alien workers, and the adverse effect those aliens' employment may have on the wages and working conditions of similarly employed U.S. workers, the Secretary of Labor and DOL have been given broad discretion. See, e.g., 8 CFR 214.2(h)(3)(i). This broad discretion, particularly with respect to methodologies for setting minimum wage rates under the immigration laws, has been recognized in the federal appellate and district courts. *Virginia Agricultural Growers' Association, Inc. v. Donovan*, 774 F. 2d 89 (4th Cir. 1985); *Florida Fruit & Vegetable Association, Inc. v. Brock*, 771 F. 2d 1455 (11th Cir. 1985), cert. denied, No. 85-1352, 54 U.S.L.W. 3659 (April 7, 1986); *Shoreham Co-operative Apple Producers' Association, Inc. v. Donovan*, 764 F. 2d

135 (2d Cir. 1985); *Rowland v. Marshall*, 650 F. 2d 28 (4th Cir. 1981); *Williams v. Usery*, 531 F. 2d 305 (5th Cir. 1976), cert. denied, 429 U.S. 1000; *Florida Sugar Cane League v. Usery*, 531 F. 2d 299 (5th Cir. 1976); and *Limoneira Co. v. Wirtz*, 327 F. 2d 499 (9th Cir. 1964), aff'g 225 F. Supp. 961 (S.D. Cal. 1963); see also *Elton Orchards v. Brennan*, 508 F. 2d 493 (1st Cir. 1974); and *Flecha v. Quiros*, 567 F. 2d 1154 (1st Cir. 1974). These decisions acknowledge DOL's discretion in the area of wages involving nonimmigrant alien agricultural workers and form the basis for construction of DOL's temporary alien labor certification regulations. See 20 CFR 655.0(e).

Since this is an area in which DOL has great "discretion to reach a number of different results rather than an area of pure statutory interpretation as to which there is in theory only a single answer" (See *Building & Construction Trades' Department, AFL-CIO v. Donovan*, 712 F. 2d 611, 619 (DC Cir. 1983), cert. denied, 464 U.S. 1069 (1984)), DOL is proposing the rule below.

Regulatory Impact

The proposed promulgation of this rule would currently affect only those employers using non-immigrant alien workers ("H-2 visaholders") in temporary agricultural jobs paid by piece rate in fourteen States. It would not have the financial or other impact to make it a major rule, and, therefore, the preparation of a regulatory impact analysis is not necessary. See Executive Order No. 12291, 3 CFR, 1981 Comp., p. 127, 5 U.S.C. 601 note.

The Department of Labor has notified the Chief Counsel for Advocacy, Small Business Administration, and made the certification pursuant to 5 U.S.C. 605(b), that proposal would not have a significant economic impact on a substantial number of small entities. It applies only to the small number of employers (and their workers) who employ nonimmigrant aliens in piece-rate-paid agricultural employment in the United States.

Catalogue of Federal Domestic Assistance Number

This program is listed in the Catalogue of Federal Domestic Assistance as Number 17.202, "Certification of Foreign Workers for Agricultural and Logging Employment."

List of Subjects in 20 CFR Part 655

Administrative practice and procedure, Agriculture, Aliens, Employment, Forests and forest products, Guam, Labor, Migrant labor, Wages.

Proposed Rule

Accordingly, it is proposed that Part 655 of Chapter V of Title 20, Code of Federal Regulations, be amended as follows:

PART 655—LABOR CERTIFICATION PROCESS FOR THE TEMPORARY EMPLOYMENT OF ALIENS IN THE UNITED STATES

1. The authority citation for Part 655 is proposed to be revised to read as follows and the separate authority citations following all the sections in Part 655 are proposed to be removed:

Authority: 8 U.S.C. 1101(a)(15)(H)(ii) and 1184(c); 29 U.S.C. 49 *et seq.*; 8 CFR 214.2(h)(3)(i).

2. It is proposed to amend § 655.202 by revising paragraph (b)(9)(ii) to read as follows:

§ 655.202 Contents of job offers.

* * * * *

(b) * * *

(9) * * *

(ii) (A) If the worker will be paid on a piece rate basis, and the piece rate does not result at the end of the pay period in average hourly earnings during the pay period at least equal to the amount the worker would have earned had the worker been paid at the adverse effect rate, the worker's pay will be supplemented at that time so that the worker's earnings are at least as much as the worker would have earned during the pay period if the worker had been paid at the adverse effect rate.

(B) If the employer who pays by the piece rate requires one or more minimum productivity standards of workers as a condition of job retention, (1) such standards shall be no more than those applied by the employer in 1977, unless the RA approves a higher minimum; or (2) if the employer first applied for temporary labor certification after 1977, such standards shall be no more than those normally required (at the time of that first application) by other employers for the activity in the area of intended employment, unless the RA approves a higher minimum.

* * * * *

§ 655.207 [Amended]

3. It is proposed to amend § 655.207 by removing paragraphs (c) and (d) and by redesignating paragraph (e) as new paragraph (c).

Signed at Washington, DC this 29th day of May, 1986.

William E. Brock,
Secretary of Labor.

Appendix

The material in this appendix is for information purposes only. It will not be codified as part of the final rule in the Code of Federal Regulations.

Factors Affecting Productivity of Agricultural Hand Field Workers—Executive Summary

- Research has demonstrated that productivity rates of agricultural hand field workers are affected by tree size, pruning of trees, yields, size of fruit, use of harvesting aids, varieties of fruits and vegetables harvested, type of supervision, type of product market, and experience of workers.
- Employers can increase worker productivity in the short term by changing pruning methods, supervisory practices, and type of harvesting equipment used; switching from fresh to processed markets; hiring more experienced workers; and placing workers in field so that they pick individually instead of in groups.
- Replanting orchards with smaller, higher-yielding trees have longer-term effects on labor productivity.
- The potential for improving the productivity of hand field workers without increasing worker effort exists on many farms. However, employers who hire H-2 workers are not currently permitted to increase their minimum productivity rates. Farmers who improve the efficiency of their farm operation and increase labor productivity may be penalized because increased worker productivity is not recognized in the formulation of piece rates in the H-2 program.

Factors Affecting Productivity of Agricultural Hand Field Workers

A recent court order issued by U.S. District Court Judge Charles R. Richey ruled that farm employers hiring H-2 workers cannot increase the minimum productivity rate required of piece rate workers for them to earn a wage equivalent to the adverse effect wage rate (AEWR). This decision implies that worker productivity rates are constant and that employers can do nothing to increase worker productivity except require workers to work harder. However, a review of research revealed that several factors, short of fully mechanizing operations, can affect productivity of hand field workers. These factors include changes in cultural techniques, changes in the way field work is organized and supervised, increased use of mechanical harvesting aids and more efficient product handling methods, and improved recruitment techniques which encourage the employment of more experienced and productive workers.

Cultural Techniques, Organization of Work, and Type of Market

One of the most comprehensive studies examining the productivity of harvest workers was done at Michigan State

University in the late 1960's.¹ This study identified practices that affected labor productivity in Michigan apple harvesting, including the type of supervision that workers received, the type of picking equipment used by the workers, whether the apples harvested were for fresh or processed markets, degree of tree pruning, and the way workers were grouped into harvest units.

Worker productivity was increased by close supervision of workers, providing workers with metal picking equipment instead of canvas or other types of equipment, and placement of workers in orchards so that they picked individually instead of in groups. Picking apples for the fresh market resulted in lower productivity rates compared to picking for the processed market. For example, when workers were required to pick apples for the fresh market in such a manner that stems remained on all apples, their average productivity was almost 1 bushel per hour lower than when apples were picked without regard for stems. A moderate degree of tree pruning was associated with higher apple picking rates on the average than was little or no tree pruning. Tree age and tree spread were negatively related to the number of bushels of apples picked per hour by workers, although the effects of these variables on worker productivity were much less than for other variables mentioned above.

Another study of apple harvest labor productivity in Washington State determined that tree type (dwarf, semi-dwarf, semi-standard, and standard), yield per acre, and apple variety were important factors affecting worker productivity.² This study concluded that productivity rates were lower for larger trees compared to smaller trees because workers spent more time moving and climbing ladders when picking the larger trees. Higher yields per acre were found to increase the productivity rate. Also, apple variety was found to be an important factor affecting the productivity rate with varieties like McIntosh requiring more time to pick than other varieties.

An incentive piece-rate system is widely used for lemon harvesting in Ventura County, California.³ This system recognizes that worker productivity is affected by tree height, fruit size, and yield per tree. The wage rates developed under this incentive piece-rate system reflect the decreasing productivity in terms of boxes picked per hour associated with picking successively taller trees, picking trees with lower yields, and picking smaller sized fruit. A schedule of piece rates which vary by these factors results in an average worker being able to achieve the same hourly

wage rate regardless of grove yields and picking conditions.

A similar wage incentive system was developed for the Valencia orange harvest in central Arizona.⁴ This system also reflects differences in worker productivity based on tree height, fruit size, and yield per tree. As in California, worker productivity increases with smaller trees, larger fruit, and larger yields per tree.

Increased Use of Mechanical Harvesting Aids

Two types of mechanical technologies are useful for increasing the productivity of harvest workers: (1) Worker-positioning machinery for use in tree harvesting, and (2) bag and ladder picking which can be supplemented with mechanical harvesting aids for handling picked fruits in the field. Worker-positioning machines for tree harvest are designed to replace the ladder with a machine that positions the worker(s) so that fruit may be picked more efficiently. There are two basic types of worker-positioning machines: (1) A basket to hold the picker on a mast mounted on a movable chassis, and (2) a multi-person platform on which pickers stand as the platform moves or is pulled through the field or orchard. Research on these machines has been conducted most extensively in California. These studies show that worker-positioning machines can increase labor productivity by as much as 35 percent.⁵ However, use of these machines is constrained in some fields and orchards by tree size, tree spacing, size of groves, and slope of land.

While actually picking fruit, the bag and ladder picker can compete effectively with workers using worker-positioning machines, but the bag and ladder picker spends a large portion of his time and energy in climbing ladders and emptying his bag into a field container. Traditionally, pickers dump their bags or containers of fruits into field boxes or pallets which are hand-loaded onto flat-bed trucks and taken to semi-trailers used to haul the fruit to a packing house. However, the use of conveyor belts, tractor fork-lifts, hydraulic boom lifts or other mechanized methods of handling fruits and vegetables in the field increases worker productivity by reducing time needed for loading and handling of products.

Improved Recruitment Techniques

The characteristics of workers have been shown to affect labor productivity rates. The Michigan study concluded that the productivity rate of apple pickers was significantly different by a worker's age, gender, work experience, ethnic origin, and residence.⁶ Workers with the highest

¹ Cuskaden, Charles M. "Labor Productivity in Apple Harvesting", *American Journal of Agricultural Economics*, Vol. 55, No. 4, pp. 633-636, November 1973.

² West, Donald A., Marlen F. Miller, and Samuel M. Doran. *Labor Productivity and Earnings in Apple Picking*. Washington, Agricultural Experiment Station, Washington State University, Circular 533, April 1971.

³ Jorgensen, Edward and Roger Fox, *The Development of an Incentive Wage System for Harvesting Valencia Oranges in Central Arizona*. The University of Arizona, Report No. 28, May 1982, pp. 23-27, November 1973.

⁴ Webb, James L. et al., *The Citrus Labor Market of the Lower Rio Grande Valley of Texas: A Study of Labor Utilization Problems*. University of Texas, May 1975.

⁵ Webb, James L. et al., *The Citrus Labor Market of the Lower Rio Grande Valley of Texas: A Study of Labor Utilization Problems*. University of Texas, May 1975.

⁶ Cuskaden, Charles M., "Labor Productivity in Apple Harvesting", *American Journal of Agricultural Economics*, Vol. 55, No. 4, pp. 633-636, November 1973.

productivity rates were migrant Mexican or Puerto Rican males between 26 and 50 years old with at least two years of apple picking experience. A study in Arizona showed that the profile of the most efficient citrus picker in Arizona was a married male noncitizen.⁷ However, the study concluded that most of the variance in productivity among workers was explained by other factors such as worker supervision, grove conditions, grove yields, weather, and coordination of harvest operations. Recruitment of workers with characteristics associated with higher labor productivity in harvesting fruits and vegetables can help growers establish a more productive work force.

Research has also indicated that experienced workers are more productive than inexperienced workers. Thus, efforts made by employers to encourage workers to return each year increase worker productivity. Migrant apple harvest workers in Pennsylvania who had returned to work for the same apple producer for 4 or more years averaged 11 percent greater production per hour than first year workers.⁸ Improved skill level as well as success of the employer in attracting the more conscientious workers to return annually contributed to the greater productivity of these workers. Apple harvest workers in Michigan with 2 years or more of experience picked approximately 2 bushels an hour more than did the less experienced worker.⁹

The Coastal Growers Association in California has adopted innovative policies for management-employee relations which encourage lemon workers to return to the same jobs each year. The association recognized that trained workers who are willing to come back each year are more productive. Thus, the association offers wages and other benefits that encourage lemon pickers to return the next year—such as paid vacations to employees who work over 450 hours per year, opportunities for promotion, health insurance, a retirement plan, modern housing, adult education, and worker training. Between 1965, when new management policies were first adopted, and 1980, the total number of workers employed by Coastal Growers dropped from around 8,500 to less than 1,000, while the total number of boxes picked rose from 4.3 to 5.6 million.¹⁰

⁷ Jorgensen, Edward and Roger Fox, *The Development of An Incentive Wage System for Harvesting Valencia Oranges in Central Arizona*. The University of Arizona, Report No. 28, May 1982.

⁸ Holt, James S. and Lawrence Burton, "Management of Migrant Labor in the Pennsylvania Apple Harvest." Unpublished manuscript, December 1981.

⁹ Cuskaden, Charles M., "Labor Productivity in Apple Harvesting", *American Journal of Agricultural Economics*, Vol. 55, No. 4, pp. 633-636, November 1973.

¹⁰ U.S. Department of Agriculture, "The Profit Approach to Managing Hired Labor", *Farmline*, Vol. 11, No. 9, pp. 7-8, October 1981.

Conclusions

Research has suggested that employers can increase worker productivity in the short run by changing pruning methods, supervisory practices, and type of harvesting equipment used; switching from fresh to processed markets; hiring more experienced workers; and placing workers in fields so that they pick individually instead of in groups. Replanting orchards with smaller, higher-yielding trees have longer-term effects on labor productivity.

The potential for improving the productivity of hand field workers without increasing worker effort exists on many farms. However, employers who hire H-2 workers are not currently permitted to increase their minimum productivity rates for these workers. Farmers who improve the efficiency of their farm operation and increase labor productivity may be penalized because the increased worker productivity is not recognized in the formulation of piece rates in the H-2 program.

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UNITED STATES INFORMATION AGENCY

22 CFR Part 508

Nondiscrimination on the Basis of Sex in Education Programs and Activities Receiving or Benefiting From Federal Financial Assistance

AGENCY: U.S. Information Agency.

ACTION: Notice of proposed rules.

SUMMARY: The U.S. Information Agency proposes to add a new regulation for nondiscrimination on the basis of sex in education programs and activities receiving or benefiting from federal financial assistance. These rules are intended to implement Title IX of the Education Amendments of 1972, as amended, which prohibits (with certain exceptions) sex discrimination in federally-assisted education programs or activities. The public is invited to comment.

DATE: Comments must be received on or before July 7, 1986.

FOR FURTHER INFORMATION CONTACT: Horace G. Dawson, Jr., Director, Office of Equal Employment Opportunity and Civil Rights, Room M-10, U.S. Information Agency, 301 4th Street, S.W., Washington, D.C. 20547, Phone: (202) 485-7158.

SUPPLEMENTARY INFORMATION: On June 4, 1975, the then Department of Health, Education, and Welfare (HEW) issued final rules implementing Title IX. 45 CFR Part 86. The rules proposed by this Agency are intended to be consistent with the HEW rules

Section 508.15 exempts certain activities which are not referred to in the HEW rules. These exemptions reflect recent amendments to Title IX. See Pub. L. 94-482, 90 Stat. 2234.

One other difference in these rules and the HEW rules should be noted. In the HEW rules, "student" is defined as a person who has gained "admission." The term "admission" means "selection for . . . enrollment, membership, or matriculation in or at education program or activity . . ." In § 508.2(m), the term "admission" is expanded to include selection for "participation" in an education program or activity to ensure that participants (who may not be members or enrollees) in U.S.I.A.-funded education activities are clearly included within the protection of these rules. By expanding the definition of "admission," the term "student" (to whom the rules repeatedly make reference) is also expanded. This change has been made to ensure that any informal education activities funded by U.S.I.A. in which participation is not dependent upon "enrollment, membership, or matriculation" are included.

Section 508.11 contains a divergence from HEW's rule on the application of these regulations which reflects the international functions of this Agency. U.S.I.A.'s regulations are restricted in their application to "each education program or activity operated within the United States . . ."

This rule will not have a significant economic impact on a substantial number of small entities.

This rule contains reporting requirements that have been approved by OMB under the Paperwork Reduction Act and 5 CFR 1320 (Clearance number 3116-0191).

In consideration of the above, it is proposed that Part 508 be added to Title 22 of the Code of Federal Regulations to read as set forth below.

Dated: May 30, 1986.

Charles Z. Wick,
Director.

PART 508—NON-DISCRIMINATION IN EDUCATION PROGRAMS OR ACTIVITIES RECEIVING OR BENEFITTING FROM FEDERAL FINANCIAL ASSISTANCE—EFFECTUATION OF TITLE IX OF EDUCATION AMENDMENTS OF 1972

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Appendix

Authority: Title IX of the Education Amendments of 1972, Pub. L. 92-318, as amended by section 3 of Pub. L. 93-568, 88 Stat. 1855 and section 412 of Pub. L. 94-482, 90 Stat. 2234 (except sections 904 and 906 thereof); 20 U.S.C. 1681, 1682, 1683, 1686.

Subpart A—Introduction**§ 508.1 Purpose and effective date.**

The purpose of this part is to effectuate Title IX of the Education Amendments of 1972, as amended by Pub. L. 93-568, 88 Stat. 1855, and Pub. L. 94-482, 90 Stat. 2234 (except sections 904 and 906 of those Amendments) which is designed to eliminate (with certain exceptions) discrimination on the basis of sex in any education program or activity receiving Federal financial assistance, whether or not such program or activity is offered or sponsored by an educational institution as defined in this part.

§ 508.2 Definitions.

As used in this part, the term:

(a) "Title IX" means Title IX of the Education Amendments of 1972, Pub. L. 92-318, as amended by section 3 of Pub. L. 93-568, 88 Stat. 1855 and section 412 of Pub. L. 94-482, 90 Stat. 2234 (except sections 904 and 906 thereof); 20 U.S.C. 1681, 1682, 1683, 1685, 1686.

(b) "Agency" means the United States Information Agency, and includes each of its organizational units.

(c) The term "Director" means the Director of the United States Information Agency (U.S.I.A.) or any person specifically designed by him or her to perform any function provided for under this part, except where it is specified that only the Director is intended.

(d) "Federal financial assistance" means any of the following, when authorized or extended under a law administered by the Agency:

(1) A grant or loan of Federal financial assistance, including

(i) The acquisition, construction, renovation, restoration, or repair of a building or facility or any portion thereof; and

(ii) Scholarships, loans, grants, wages or other funds extended to any entity for payment to or on behalf of students admitted to that entity, or extended directly to such students for payment to that entity.

(2) A grant of Federal real or personal property or any interest therein, including surplus property, and the proceeds of the sale or transfer of such property, if the Federal share of the fair market value of the property is not, upon such sale or transfer, properly

accounted for to the Federal Government.

(3) Provision of the services of Federal personnel.

(4) Sale or lease of Federal property or any interest therein at nominal consideration, or at consideration reduced for the purpose of assisting the recipient or in recognition of public interest to be served thereby, or permission to use Federal property or any interest therein without consideration.

(5) Any other contract, agreement, or arrangement which has as one of its purposes the provision of assistance to any education program or activity, except a contract of insurance or guaranty.

(e) "Recipient" means the State or a political subdivision thereof, of any instrumentality of a State or political subdivision thereof, any public or private agency, institution, or organization, or other entity, or any person, to whom Federal financial assistance is extended directly or through another recipient and which operates an education program or activity which receives or benefits from such assistance, including any submit, successor, assignee, or transferee thereof.

(f) "Applicant" means one who submits an application, request, or plan required to be approved by an Agency official, or by a recipient, as a condition to becoming a recipient.

(g) "Educational institution" means a local educational agency (L.E.A.) as defined by section 801(f) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 881), a preschool, a private elementary or secondary school, or an applicant or recipient of the type defined by paragraph (h), (i), (j), or (k) of this section.

(h) "Institution of graduate higher education" means an institution which:

(1) Offers academic study beyond the bachelor of arts or bachelor of science degree, whether or not leading to a certificate of any higher degree in the liberal arts and sciences; or

(2) Awards any degree in a professional field beyond the first professional degree (regardless of whether the first professional degree in such field is awarded by an institution of undergraduate higher education or professional education); or

(3) Awards no degree and offers no further academic study, but operates ordinarily for the purpose of facilitating research by persons who have received the highest graduate degree in any field of study.

(i) "Institution of undergraduate higher education" means:

(1) An institution offering at least two but less than four years of college level study beyond the high school level, leading to a diploma or an associated degree, or wholly or principally creditable toward a baccalaureate degree; or

(2) An institution offering academic study leading to a baccalaureate degree; or

(3) An agency or body which certifies credentials or offers degrees, but which may or may not offer academic study.

(j) "Institution of professional education" means an institution (except any institution of undergraduate higher education) which offers a program of academic study that leads to a first professional degree in a field for which there is a national specialized accrediting agency recognized by the United States Commissioner of Education.

(k) "Institution of vocational education" means a school or institution (except an institution of professional or graduate or undergraduate higher education) which has as its primary purpose preparation of students to pursue a technical, skilled or semiskilled occupation or trade, or to pursue study in a technical field, whether or not the school or institution offers certificates, diplomas, or degrees and whether or not it offers fulltime study.

(l) "Administratively separate unit" means a school, department or college of an educational institution (other than a local educational agency) admission to which is independent of admission to any other component of such institution.

(m) "Admission" means selection for part-time, full-time, special, associate, transfer, exchange, or any other enrollment, membership, participation, or matriculation in or at an education program or activity operated by a recipient.

(n) "Student" means a person who has gained admission.

(o) "Transition plan" means a plan subject to the approval of the United States Commissioner of Education pursuant to section 901(a) of the Education Amendments of 1972, under which an educational institution operates in making the transition from being an educational institution which admits only students of one sex to being one which admits students of both sexes without discrimination.

(p) "Educational recipient" means an educational institution as defined in

section 508.2(g) and every other recipient which has education as a significant purpose.

(q) "Education program or activity" means:

(1) Every program or activity operated by an educational recipient; and

(2) Every program or activity operated by other recipients where a significant purpose of the financial assistance is education.

(r) "United States" means the States of the United States, the District of Columbia, Puerto Rico, the Virgin Islands, American Samoa, Guam, Wake Island, the Canal Zone, and the territories and possessions of the United States, and the term "State" means any one of the foregoing.

§ 508.3 Remedial and affirmative action and self-evaluation.

(a) *Remedial action.* If the Director finds that a recipient has discriminated against persons on the basis of sex in an education program or activity, such recipient shall take such remedial action as the Director deems necessary to overcome the effects of such discrimination.

(b) *Affirmative Action.* In the absence of a finding of discrimination on the basis of sex in an education program or activity, a recipient may take affirmative action to overcome the effects of conditions which resulted in limited participation therein by persons of a particular sex. Nothing herein shall be interpreted to alter any affirmative action obligations which a recipient may have under Executive Order 11246.

(c) *Self-evaluation.* Each recipient shall, within one year of the effective date of this part:

(1) Evaluate in terms of the requirements of this part, its current policies and practices and the effects thereof concerning admission of students, treatment of students, and employment of both academic and non-academic personnel working in connection with the recipient's education program or activity;

(2) Modify any of these policies and practices which do not or may not meet the requirements of this part; and

(3) Take appropriate remedial steps to eliminate the effects of any discrimination which resulted or may have resulted from adherence to these policies and practices.

(d) Availability of self-evaluation and related materials. Recipients shall maintain on file for at least three years following the effective date of this part

or completion of the evaluation required under paragraph (c) of this section, whichever is longer, and shall provide to the Director upon request, a description of any modifications made pursuant to paragraph (c)(1) of this section and of any remedial steps taken pursuant to paragraph (c)(3) of this section.

§ 508.4 Assurance required.

(a) *General.* Every application for Federal financial assistance for any education program or activity shall as condition of its approval contain or be accompanied by an assurance from the applicant or recipient, satisfactory to the Director, that each education program or activity operated by the applicant or recipient and to which this part applies will be operated in compliance with this part. An assurance of compliance with this part shall not be satisfactory to the Director if the applicant or recipient to whom such assurance applies fails to commit itself to take whatever remedial action is necessary in accordance with section 508.3(a) to eliminate existing discrimination whether occurring prior or subsequent to the submission to the Administrator of such assurance.

(b) *Transfers of Property.* If a recipient sells or otherwise transfers property financed in whole or in part with Federal financial assistance to a transferee which operates any education program or activity, and the Federal share of the fair market value of the property is not upon such sale or transfer properly accounted for to the Federal Government both the transferor and the transferee shall be deemed to be recipients, subject to the provisions of Subpart B.

(c) *Duration of obligation.* (1) In the case of Federal financial assistance extended to provide real property or structures thereon, such assurance shall obligate the recipient or, in the case of a subsequent transfer, the transferee, for the period during which the real property or structures are used to provide an education program or activity.

(2) In the case of Federal financial assistance extended to provide personal property, such assurances shall obligate the recipient for the period during which it retains ownership or possession of the property.

(3) In all other cases such assurance shall obligate the recipient for the period during which Federal financial assistance is extended.

(d) *Form.* The Director will specify the form of the assurances required by paragraph (a) of this section and the extent to which such assurances will be required of the applicant's or recipient's subgrantees, contractors, subcontractors, transferees, or successors in interest.

§508.5 Effect of other requirements.

(a) *Effect of other Federal provisions.* The obligations imposed by this part are independent of, and do not alter, obligations not to discriminate on the basis of sex imposed by Executive Order 11246, as amended; Title VII of the Civil Rights Act of 1964 (42 U.S.C. 2000e et seq.); the Equal Pay Act (29 U.S.C. 206 and 206(d)); and any other act of Congress or Federal regulation.

(b) *Effect of State or local law or other requirements.* The obligation to comply with this part is not obviated or alleviated by any State or local law or other requirement which would render any applicant or student ineligible, or limit the eligibility of any applicant or student, on the basis of sex to practice any occupation or profession.

(c) *Effect of rules or regulations of private organizations.* The obligation to comply with this part is not obviated or alleviated by any rule or regulation of any organization, club, athletic or other league, or association which would render any applicant or student ineligible to participate or limit the eligibility or participation of any applicant or student, on the basis of sex, in any education program or activity operated by a recipient and which receives or benefits from Federal financial assistance.

(d) *Effect of compliance with HEW regulations.* If a recipient is covered by the Title IX regulations issued by HEW, 45 CFR Part 86, and has already complied with the HEW requirements corresponding to §§ 508.3(c), 508.4(a), 508.7(a) and (b), and 508(a) and (b), then the requirements of those sections need not be duplicated in order to comply with this part. However, if the requirements have not been applied to all programs funded by this Agency, then the requirements will have to be met as to those programs.

§508.6 Effect of employment opportunities.

The obligation to comply with this part is not obviated or alleviated because employment opportunities in any occupation or profession are or may be more limited for members of one sex than for members of the other sex.

§508.7 Designation of responsible employee and adoption of grievance procedures.

(a) *Designation of responsible employee.* Each recipient shall designate at least one employee to coordinate its efforts to comply with and carry out its responsibilities under this part, including any investigation of any complaint communicated to such recipient alleging its noncompliance with this part or alleging any actions which would be prohibited by this part. The recipient shall notify all its students and employees of the name, office address and telephone number of the employee or employees appointed pursuant to this paragraph. Should the employee terminate employment at any time, the employer shall notify promptly all interested parties of the replacement.

(b) *Complaint procedure of recipient.* A recipient shall adopt and publish grievance procedures providing for prompt and equitable resolution of student and employee complaints alleging any action which would be prohibited by this part.

§508.8 Dissemination policy.

(a) *Notification of policy.* (1) Each recipient shall implement specific and continuing steps to notify applicants for admission and employment, students and parents of elementary and secondary school students, employees, sources of referral of applicants for admission and employment and all unions or professional organizations holding collective bargaining or professional agreements with the recipient, that it does not discriminate on the basis of sex in the educational programs or activities which it operates, and that it is required by Title IX and this part not to discriminate in such a manner. Such notification shall contain such information, and be made in such manner, as the Director finds necessary to apprise such persons of the protections against discrimination assured them by Title IX and this part, but shall state at least that the requirement not to discriminate in education programs and activities extends to employment therein and to admission there to unless Subpart C does not apply to the recipient, and that inquiries concerning the application of Title IX and this part to such recipient may be referred to the employee designated pursuant to 508.7 or to the Director.

(2) Each recipient shall make the initial notification required by paragraph (a)(1) of this section within 90 days of the effective date of this part or of the date this part first applies to such recipient, whichever comes later, which

notification shall include publication in (i) Local newspapers,

(ii) Newspapers and magazines operated by such recipient or by student, alumnae, or alumni groups for or in connection with such recipient; and (iii) Memoranda or other written communications distributed to every student and employees of such recipient.

(b) *Publications.* (1) Each recipient shall prominently include a statement of the policy described in paragraph (a) of this section in each announcement, bulletin, catalog, or application form which it makes available to any person of a type described in paragraph (a) of this section, or which is otherwise used in connection with the recruitment of students or employees.

(2) A recipient shall not use or distribute a publication of the type described in this paragraph which suggests, by text or illustration, that such recipient treats applicants, students, or employees differently on the basis of sex except as such treatment is permitted by this part.

(c) *Distribution.* Each recipient shall distribute without discrimination on the basis of sex each publication described in paragraph (b) of this section, and shall apprise each of its admission and employment recruitment representatives of the policy of nondiscrimination described in paragraph (a) of this section, and require such representatives to adhere to such policy.

Subpart B—Coverage

§508.11 Application.

Except as provided in this subpart, Part 508 applies to every recipient and to each education program or activity operated within the United States by such recipient which receives or benefits from Federal financial assistance pursuant to any authority held or delegated by the Director of the United States Information Agency, including the Federally-assisted programs and activities listed in Appendix A of this part.

§508.12 Educational institutions controlled by religious organizations.

(a) *Application.* This part does not apply to an educational institution which is controlled by a religious organization to the extent application of this part would not be consistent with the religious tenets of such organization.

(b) *Exemption.* An educational institution which wishes to claim the exemption set forth in paragraph (a) of this section shall do so by submitting in writing to the Director a statement by

the highest ranking official of the institution identifying the provisions of this part which conflict with a specific tenet of the religious organization.

§ 508.13 Military and merchant marine educational institution.

This part does not apply to an educational institution whose primary purpose is the training of individuals for a military service of the United States or for the merchant marines.

§ 508.14 Membership practices of certain organizations.

(a) *Social fraternities and sororities.* This part does not apply to the membership sororities which are exempt from taxation under section 501(a) of the Internal Revenue Code of 1954, the active membership of which consists primarily of students in attendance at institutions of higher education.

(b) *YMCA, YWCA, Girl Scouts, Boy Scouts and Camp Fire Girls.* This part does not apply to the membership practices of the Young Men's Christian Association, the Young Women's Christian Association, the Girl Scouts, the Boy Scouts and Camp Fire Girls.

(c) *Voluntary youth service organizations.* This part does not apply to the membership practices of voluntary youth service organizations which are exempt from taxation under section 501 (a) of the Internal Revenue Code of 1954 and the membership of which has been traditionally limited to members of one sex and principally to persons of less than nineteen years of age.

§ 508.15 Exempt activities.

(a) These regulations shall not apply to:
(1) Any program or activity of the American Legion undertaken in connection with the organization or operation of any Girls State Conference, Boys Nation Conference, or

(2) The selection of students to attend any such conference.

(b) These regulations shall not preclude father-son or mother-daughter activities at an educational institution, but if such activities are provided for students of one sex, opportunities for reasonably comparable activities shall be provided for students of the other sex.

(c) These regulations shall not apply with respect to any scholarship or other financial assistance awarded by an institution of higher education to any individual because such individual has received such award in any pageant in which the attainment of such award is based upon a combination of factors related to the personal appearance, poise, and talent of such individual and

in which participation is limited to individuals of one sex only, so long as such pageant is in compliance with other nondiscrimination provisions of Federal law.

§ 508.16 Admission.

(a) Admission to educational institutions prior to June 24, 1973, are not covered by this part.

(b) *Administratively separate units.* For the purpose only of this section, §§ 508.17 and 508.18, and Subpart C, each administratively separate unit shall be deemed to be an educational institution.

(c) *Application of Subpart C.* Except as provided in paragraph (d) and (e) of this section, Subpart C applies to each assisted education program or activity. A recipient to which Subpart C applies shall not discriminate on the basis of sex in admission or recruitment in violation of that subpart.

(d) *Educational institutions.* Except as provided in paragraph (e) of this section as to recipients which are educational institutions, Subpart C applies only to institutions of vocational education, professional education, graduate higher education, and public institutions of undergraduate higher education.

(e) *Public institutions of undergraduate higher education.* Subpart C does not apply to any public institution of undergraduate higher education which traditionally and continually from its establishment has had a policy of admitting only students of one sex.

§ 508.17 Educational institutions eligible to submit transition plans.

(a) This section applies to each public institution of undergraduate higher education which traditionally and continually from its establishment had a policy of admitting only students of one sex, but which after June 23, 1972 begins the process of changing to being an institution which admits students of both sexes.

(b) An educational institution to which this section applies shall not discriminate on the basis of sex in admission or recruitment in violation of Subpart C unless it is carrying out a transition plan approved by the United States Commissioner of Education as described in section 508.18 which plan provides for the elimination of such discrimination by the earliest practicable date but in no event later than seven years after the institution begins the process of changing to an institution which admits students of both sexes.

§ 508.18 Transition plans.

(a) *Submission of plans.* An institution to which 508.17 applies and which is composed of more than one administratively separate unit may submit either a single transition plan applicable to all such units, or a separate transition plan applicable to each sub-unit.

(b) *Content of plans.* In order to be approved by the United States Commissioner of Education, a transition plan shall:

(1) State the name, address, and Federal Interagency Committee on Education (FICE) Code of the educational institution submitting such plan, the administratively separate units to which the plan is applicable, and the name, address, and telephone number of the person to whom questions concerning the plan may be addressed. The person who submits the plan shall be the chief administrator or president of the institution, or another individual legally authorized to bind the institution to all actions set forth in the plan.

(2) State whether the educational institution or administratively separate unit admits students of both sexes as regular students and, if so, when it began to do so.

(3) Identify and describe with respect to the educational institution or administratively separate unit any obstacle to admitting students without discrimination on the basis of sex.

(4) Describe in detail the steps necessary to eliminate as soon as practicable each obstacle so identified and indicate the schedule for taking these steps and the individual directly responsible for their implementation.

(5) Include estimates of the number of students, by sex, expected to apply for, be admitted to, and enter each class during the period covered by the plan.

(c) *Nondiscrimination.* No policy or practice of a recipient to which sec. 508.17 applies shall result in treatment of applicants to or students of such recipient in violation of Subpart C unless such treatment is necessitated by an obstacle identified in paragraph (b)(3) of this section and a schedule for eliminating that obstacle has been provided as required by paragraph (b)(4) of this section.

(d) *Effects of past exclusion.* To overcome the effects of past exclusion of students on the basis of sex, each educational institution to which § 508.17 applies shall include in its transition plan, and shall implement, specific steps designed to encourage individuals of the previously excluded sex to apply for admission to such institution. Such steps shall include instituting recruitment

programs which emphasize the institution's commitment to enrolling students of the sex previously excluded.

Subpart C—Discrimination on the Basis of Sex in Admission and Recruitment Prohibited

§ 508.21 Admission.

(a) *General.* No person shall, on the basis of sex, be denied admission, or be subjected to discrimination in admission, by any recipient to which this subpart applies, except as provided in § 508.17 and 508.18.

(b) *Specific prohibitions.* (1) In determining whether a person satisfies any policy or criterion for admission, or in making any offer of admission, a recipient to which this Subpart applies shall not:

(i) Give preference to one person over another on the basis of sex, by ranking applicants separately on such basis, or otherwise;

(ii) Apply numerical limitations upon the number or proportion of persons of either sex who may be admitted; or

(iii) Otherwise treat one individual differently from another on the basis of sex.

(2) A recipient shall not administer or operate any test or other criterion for admission which has a disproportionately adverse effect on persons on the basis of sex unless the use of such test or criterion is shown to predict validly success in the education program or activity in question and alternative tests or criteria which do not have such a disproportionately adverse effect are shown to be unavailable.

(c) *Prohibitions relating to marital or parental status.* In determining whether a person satisfies any policy or criterion for admission, or in making any offer of admission, a recipient to which this subpart applies:

(1) Shall not apply any rule concerning the actual or potential parental, family or marital status of a student or applicant which treats persons differently on the basis of sex;

(2) Shall not discriminate against or exclude any person on the basis of pregnancy, childbirth, termination of pregnancy, or recovery therefrom, or establish or follow any rule or practice which so discriminates or excludes;

(3) Shall treat disabilities related to pregnancy, childbirth, termination of pregnancy, or recovery therefrom in the same manner and under the same policies as any other temporary disability or physical condition; and

(4) Shall not make pre-admission inquiry as to the marital status of an applicant for admission, including whether such applicant is "Miss" or

"Mrs." A recipient may make pre-admission inquiry as to the sex of an applicant for admission, but only if such inquiry is made equally of such applicants of both sexes and if the results of such inquiry are not used in connection with discrimination prohibited by this part.

§ 508.22 Preference in admission.

A recipient to which Subpart C applies shall not give preference to applicants for admission on the basis of attendance at any educational institution or other school or entity which admits as students only or predominately members of one sex, if the giving of such preference has the effect of discriminating on the basis of sex in violation of this subpart.

§ 508.23 Recruitment.

(a) *Nondiscriminatory recruitment.* A recipient to which this subpart applies shall not discriminate on the basis of sex in the recruitment and admission of students. A recipient may be required to undertake additional recruitment efforts for one sex as remedial action pursuant to § 508.3(a), and may choose to undertake such efforts as affirmative action pursuant to § 508.3(b).

(b) *Recruitment at certain institutions.* A recipient to which this subpart applies shall not recruit primarily or exclusively at educational institutions, schools or entities which admit as students only or predominately members of one sex, if such actions have the effect of discriminating on the basis of sex in violation of this subpart.

Subpart D—Discrimination on the Basis of Sex in Education Programs and Activities Prohibited

§ 508.31 Education programs and activities.

(a) *General.* Except as provided elsewhere in the part, no person shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any academic, extracurricular, research, occupational training, or other education program or activity operated by a recipient which receives or benefits from Federal financial assistance. This subpart does not apply to actions of a recipient in connection with admission of its students to an education program or activity of (1) a recipient to which Subpart C does not apply, or (2) an entity, not a recipient, to which Subpart C would not apply if the entity were a recipient.

(b) *Specific prohibitions.* Except as provided in this subpart, in providing any aid, benefit, or service to a student, a recipient shall not, on the basis of sex:

(1) Treat one person differently from another in determining whether such person satisfies any requirement or condition for the provision of such aid, benefit, or service;

(2) Provide different aid, benefits, or services or provide aid, benefits, or services in a different manner;

(3) Deny any person such aid, benefit, or service;

(4) Subject any person to separate or different rules of behavior, sanctions, or other treatment;

(5) Discriminate against any person in the application of any rules of appearance;

(6) Apply any rule concerning the domicile or residence of a student, or applicant, including eligibility for in-State fees and tuitions;

(7) Aid or perpetuate discrimination against any person by providing significant assistance to any agency, organization, or person which discriminates on the basis of sex in providing any aid, benefit or service to students or employees;

(8) Otherwise limit any person in the enjoyment of any right, privilege, advantage, or opportunity.

(c) *Assistance administered by a recipient educational institution to study at a foreign institution.* A recipient educational institution may administer or assist in the administration of scholarships, fellowships, or other awards established by foreign or domestic wills, trusts, or similar legal instruments, or by acts of foreign governments and restricted to members of one sex, which are designed to provide opportunities to study abroad, and which are awarded to students who are already matriculating at, or who are graduates of the recipient institution, provided a recipient educational institution which administers or assists in the administration of such scholarships, fellowships, or other awards which are restricted to members of one sex, provides or otherwise makes available reasonable opportunities for similar studies for members of the other sex. Such opportunities may be derived from either domestic or foreign sources.

(d) *Programs not operated by recipient.* (1) This paragraph applies to any recipient which requires participation by any applicant, student, or employee in any education program or activity not operated wholly by such recipient, or which facilitates, permits, or considers such participation as part of or equivalent to an education program or activity operated by such recipient, including participation in education consortia and cooperative employment and student-teaching assignments.

(2) Such recipient:

(i) Shall develop and implement a procedure designed to assure itself that the operator or sponsor of such other education program or activity takes no action affecting any applicant, student or employee of such recipient which this part would prohibit such recipient from taking; and

(ii) Shall not facilitate, require, permit, or consider such participation if such action occurs.

§ 508.32 Housing.

(a) *General.* A recipient shall not, on the basis of sex, apply different rules or regulations, impose different fees or requirements, or offer different services or benefits related to housing, except as provided in this section (including housing provided only to married students).

(b) *Housing provided by recipient.* (1) A recipient may provide separate housing on the basis of sex.

(2) Housing provided by a recipient to students of one sex, when compared to that provided to students of the other sex shall be as a whole:

(i) Proportionate in quantity to the number of students of that sex applying for such housing; and

(ii) Comparable in quality and cost to the student.

(c) *Other housing.* (1) A recipient shall not, on the basis of sex, administer different policies or practices concerning occupancy by its students of housing other than provided by such recipient.

(2) A recipient which through solicitation, listing, approval of housing, or otherwise, assists any agency, organization, or person in making housing available to any of its students, shall take such reasonable action as may be necessary to assure itself that such housing as provided to students of one sex, when compared to that provided to students of the other sex, is as a whole: (i) Proportionate in quantity and (ii) comparable in quality and cost to the student. A recipient may render such assistance to any agency, organization, or other person which provides all or part of such housing to students only of one sex.

§ 508.33 Comparable facilities.

A recipient may provide separate toilet, locker room, and shower facilities on the basis of sex, but such facilities provided for students of one sex shall be comparable to such facilities provided for students of the other sex.

§ 508.34 Access to course offerings.

A recipient shall not provide any course or otherwise carry out any of its education programs or activities

separately on the basis of sex, or require or refuse participation therein by any of its students on such basis, including health, physical education, industrial, business, vocational, technical, home economics, music and adult education courses.

(a) With respect to classes and activities in physical education at the elementary school level, the recipient shall comply fully with this section as expeditiously as possible but in no event later than one year from the effective date of this regulation. With respect to physical education classes and activities at the secondary and post-secondary levels, the recipient shall comply fully with this section as expeditiously as possible but in no event later than three years from the effective date of this regulation.

(b) This section does not prohibit grouping of students in physical education classes and activities by ability as assessed by objective standards of individual performance developed and applied without regard to sex.

(c) This section does not prohibit separation of students by sex within physical education classes or activities during participation in wrestling, boxing, rugby, ice hockey, football, basketball and other sports, the purpose or major activity of which involves bodily contact.

(d) Where use of a single standard of measuring skill or progress in a physical education class had an adverse effect on members of one sex, the recipient shall use appropriate standards which do not have such effect.

(e) Portions of classes in elementary and secondary schools which deal exclusively with human sexuality may be conducted in separate sessions for boys and girls.

(f) Recipients may make requirements based on vocal range or quality which may result in a chorus or choruses of one or predominately one sex.

§ 508.35 Access to schools operated by L.E.A.'s.

A recipient which is a local education agency shall not, on the basis of sex, exclude any person from admission to:

(a) Any institution of vocational education operated by such recipients; or

(b) Any other school or educational unit operated by such recipient, unless such recipient otherwise makes available to such person, pursuant to the same policies and criteria of admission, courses, services, and facilities comparable to each course, service, and facility offered in or through such schools.

§ 508.36 Counseling and use of appraisal and counseling materials.

(a) *Counseling.* A recipient shall not discriminate against any person on the basis of sex in the counseling or guidance of students or applicants for admission.

(b) *Use of appraisal and counseling materials.* A recipient which uses testing or other materials for appraising or counseling students shall not use different materials for students on the basis of their sex or use materials which permit or require different treatment of students on such basis unless such different materials cover the same occupations and interest areas and the use of such different materials is shown to be essential to eliminate sex bias. Recipient shall develop and use internal procedures for ensuring that such materials do not discriminate on the basis of sex. Where the use of a counseling test or other instrument results in a substantially disproportionate number of members of one sex in any particular course of study or classification, the recipient shall take such action as is necessary to assure itself that such disproportion is not the result of discrimination in the instrument or its application.

(c) *Disproportion in classes.* Where a recipient finds that a particular class contains substantially disproportionate number of individuals of one sex, the recipient shall take such action as is necessary to assure itself that such disproportion is not the result of discrimination on the basis of sex in counseling or appraisal materials or by counselors.

§ 508.37 Financial assistance.

(a) *General.* Except as provided in paragraph (b) and (c) of this section, in providing financial assistance to any of its students, a recipient shall not:

(1) On the basis of sex, provide different amounts or types of such assistance, limit eligibility for such assistance which is of any particular type or source, apply different criteria or otherwise discriminate;

(2) Through solicitation, listing, approval, provision of facilities or other services assist any foundation, trust, agency, organization, or person which provides assistance to any of such recipient's students in a manner which discriminates on the basis of sex; or

(3) Apply any rule or assist in application of any rule concerning eligibility for such assistance which treats persons of one sex differently from persons of the other sex with regard to marital or parental status.

(b) *Financial aid established by certain legal instruments.* (1) A recipient may administer or assist in the administration of scholarships, fellowships, or other forms of financial assistance established pursuant to domestic or foreign wills, trusts, bequests or similar legal instruments or by acts of a foreign government which require that awards be made to members of a particular sex specified therein: Provided, that the overall effect of the award of such sex-restricted scholarships, fellowships, and other forms of financial assistance does not discriminate on the basis of sex.

(2) To ensure nondiscriminatory awards of assistance as required in paragraph (b)(1) of this section, recipients shall develop and use procedures under which:

(i) Students are selected for award of financial assistance on the basis of nondiscriminatory criteria and not on the basis of availability of funds restricted to members of a particular sex;

(ii) An appropriate sex-restricted scholarship, fellowship, or other form of financial assistance is allocated to each student selected under paragraph (b)(2)(i) of this section; and

(iii) No student is denied the award for which he or she was selected under paragraph (b)(2)(i) of this section because of the absence of a scholarship, fellowship, or other form financial assistance designed for a member of that student's sex.

(c) *Athletic scholarships.* (1) To the extent that a recipient awards athletic scholarships or grants-in-aids, it must provide reasonable opportunities for such awards for members of each sex in proportion to the number of students of each sex participating in interscholastic or intercollegiate athletics.

(2) Separate athletic scholarships or grants-in-aid for members of each sex may be provided as part of separate athletic teams for members of each sex to the extent consistent with this paragraph and § 508.41.

§ 508.38 Employment assistance to students.

(a) Assistance by recipient in making available outside employment. A recipient which assists any agency, organization or person in making employment available to any of its student:

(1) Shall assure itself that such employment is made available without discrimination on the basis of sex; and

(2) Shall not render such services to any agency, organization, or person which discriminates on the basis of sex in its employment practices.

(b) Employment of students by recipients. A recipient which employs any of its student shall not do so in a manner which violates Subpart E.

§ 508.39 Health and insurance benefits and services.

In providing a medical, hospital, accident, or life insurance benefit, service, policy, or plan to any of its students, a recipient shall not discriminate on the basis of sex, or provide such benefit, service, policy, or plan in a manner which would violate Subpart E if it were provided to employees of the recipient. This section shall not prohibit a recipient from providing any benefit or service which may be used by a different proportion of students of one sex than of the other, including family planning services. However, any recipient which provides full coverage health service shall provide gynecological care.

§ 508.40 Marital or parental status.

(a) *Status generally.* A recipient shall not apply any rule concerning a student's actual or potential parental, family, or marital status which treats students differently on the basis of sex.

(b) *Pregnancy and related conditions.*

(1) A recipient shall not discriminate against any student, or exclude any student from its education programs or activities, including any class or extracurricular activity, on the basis of such student's pregnancy, childbirth, false pregnancy, termination of pregnancy or recover therefrom, unless the student requests voluntarily to participate in a separate portion of the program or activity of the recipient.

(2) A recipient may require such a student to obtain the certification of a physician that the student is physically and emotionally able to continue participation in the normal education program or activity so long as such a certification is required of all students for other physical or emotional conditions requiring the attention of a physician.

(3) A recipient which operates a portion of its education program or activity separately for pregnant students, admittance to which is completely voluntary on the part of the student as provided in paragraph (b)(1) of this section, shall ensure that the instructional program in the separate program is comparable to that offered to non-pregnant students.

(4) A recipient shall treat pregnancy, childbirth, false pregnancy, termination of pregnancy and recovery therefrom in the same manner and under the same policies as any other temporary disability with respect to any medical or

hospital benefit, service, plan or policy which such recipient administers, operates, offers, or participates in with respect to students admitted to the recipient's educational program or activity.

(5) In the case of a recipient which does not maintain a leave policy for its students, or in the case of a student who does not otherwise qualify for leave under such a policy, a recipient shall treat pregnancy, childbirth, false pregnancy, termination of pregnancy and recovery therefrom as a justification for a leave of absence for so long a period of time as is deemed medically necessary by the student's physician, at the conclusion of which the student shall be reinstated to the status which she held when the leave began.

§ 508.41 Athletics.

(a) *General.* No person shall, on the basis of sex, be excluded from participation in, be denied the benefits of, be treated differently from another person or otherwise be discriminated against in any interscholastic, intercollegiate, club or intramural athletics offered by the recipient, and no recipient shall provide any such athletics separately on such basis.

(b) *Separate teams.* Notwithstanding the requirements of paragraph (a) of this section, a recipient may operate or sponsor separate teams for members of each sex where selection of such teams is based upon competitive skill or the activity involved is a contact sport. However, where a recipient operates or sponsors a team in a particular sport for members of one sex but operates or sponsors no such team for members of the other sex, and athletic opportunities for members of that sex have previously been limited, members of the excluded sex must be allowed to try-out for the team offered unless the sport involved is a contact sport. For the purposes of this part, contact sports include boxing, wrestling, rugby, ice hockey, football, basketball, and other sports the purpose or major activity of which involves bodily contact.

(c) *Equal opportunity.* A recipient which operates or sponsors interscholastic, intercollegiate, club or intramural athletics shall provide equal athletic opportunity for members of both sexes. In determining whether equal opportunities are available the Director will consider, among other factors:

(1) Whether the selection of sports and levels of competition effectively accommodate the interests and abilities of members of both sexes;

(2) The provision of equipment and supplies;

(3) Scheduling of games and practice time;

(4) Travel and per diem allowance;

(5) Opportunity to receive coaching and academic tutoring;

(6) Assignment and compensation of coaches and tutors;

(7) Provision of locker rooms practice and competitive facilities;

(8) Provision of medical and training facilities and services;

(9) Provision of housing and dining facilities and services;

(10) Publicity.

Unequal aggregate expenditures for members of each sex or unequal expenditures for male and female teams if a recipient operates or sponsors separate teams will not constitute noncompliance with this section, but the Director may consider the failure to provide necessary funds for teams for one sex in assessing equality of opportunity for members of each sex.

(d) *Adjustment period.* A recipient which operates or sponsors interscholastic, intercollegiate, club or intramural athletics at the secondary or post-secondary school level shall comply fully with this section as expeditiously as possible but in no event later than three years from the effective date of this regulation.

§ 508.42 Textbooks and curricular material.

Nothing in this regulation shall be interpreted as requiring or prohibiting or abridging in any way the use of particular textbooks or curricular materials.

Subpart E—Discrimination on the Basis of Sex in Employment in Education Programs and Activities Prohibited

§ 508.51 Employment.

(a) *General.* (1) No person shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination in employment, or recruitment, consideration, or selection therefor, whether full-time or part-time, under any education program or activity operated by a recipient which receives or benefits from Federal financial assistance.

(2) A recipient shall make all employment decisions in any education program or activity operated by such recipients in a nondiscriminatory manner and shall not limit, segregate, or classify applicants or employees in any way which could adversely affect any applicant's or employee's employment opportunities or status because of sex.

(3) A recipient shall not enter into any contractual or other relationship which directly or indirectly has the effect of subjecting employees or students to discrimination prohibited by this subpart, including relationships with employment and referral agencies, with labor unions, and with organizations providing or administering fringe benefits to employees of the recipient.

(4) A recipient shall not grant preferences to applicants for employment on the basis of attendance at any educational institution or entity which admits as students only or predominantly members of one sex, if the giving of such preferences has the effect of discriminating on the basis of sex in violation of this part.

(b) *Application.* The provisions of this subpart apply to:

(1) Recruitment, advertising, and the process of application for employment;

(2) Hiring, upgrading, promotion, consideration for and award of tenure, demotion, transfer, layoff, termination, application of nepotism policies, right of return from layoff, and rehiring;

(3) Rates of pay or any other form of compensation, and changes in compensation;

(4) Job assignments, classifications and structure, including position descriptions, lines of progression, and seniority lists;

(5) The terms of any collective bargaining agreement;

(6) Granting and return from leaves of absence, leave for pregnancy, childbirth, false pregnancy, termination of pregnancy, leave for persons of either sex to care for children or dependents, or any other leave;

(7) Fringe benefits available by virtue of employment, whether or not administered by the recipient;

(8) Selection and financial support for training, including apprenticeship, professional meetings, conferences, and other related activities, selection for tuition assistance, selection for sabbaticals and leaves of absence to pursue training;

(9) Employer-sponsored activities, including social or recreational programs; and

(10) Any other term, condition, or privilege of employment.

§ 508.52 Employment criteria.

A recipient shall not administer or operate any test or other criterion for any employment opportunity which has a disproportionately adverse effect on persons on the basis of sex unless:

(a) Use of such test or other criterion is shown to predict validly successful performance in the position in question; and

(b) Alternative tests or criteria for such purpose, which do not have such disproportionately adverse effect, are shown to be unavailable.

§ 508.53 Recruitment.

(a) *Nondiscriminatory recruitment and hiring.* A recipient shall not discriminate on the basis of sex in the recruitment and hiring of employees. Where a recipient has been found to be presently discriminating on the basis of sex in the recruitment or hiring of employees, or has been found to have in the past so discriminated, the recipient shall recruit members of the sex so discriminated against so as to overcome the effects of such past or present discrimination.

(b) *Recruitment patterns.* A recipient shall not recruit primarily or exclusively at entities which furnish as applicants only or predominantly members of one sex if such actions have the effect of discriminating on the basis of sex in violation of this subpart.

§ 508.54 Compensation.

A recipient shall not make or enforce any policy or practice which, on the basis of sex:

(a) Makes distinctions in rates of pay or other compensation;

(b) Results in the payment of wages to employees of one sex at a rate less than that paid to employees of the opposite sex for equal work on jobs the performance of which requires equal skill, effort, and responsibility, and which are performed under similar working conditions.

§ 508.55 Job classification and structure.

A recipient shall not:

(a) Classify a job as being for males or for females;

(b) Maintain or establish separate lines of progression, seniority lists, career ladders, or tenure systems based on sex; or

(c) Maintain or establish separate lines of progression, seniority systems, career ladders, or tenure systems for similar jobs, position descriptions, or job requirements which classify persons on the basis of sex, unless sex is bona fide occupational qualification for the positions in question as set forth in § 508.61.

§ 508.56 Fringe benefits.

(a) *"Fringe benefits" defined.* For purposes of this part, "fringe benefits" means: Any medical, hospital, accident, life insurance or retirement benefit, service policy or plan, any profit-sharing or bonus plan, leave and any other benefit or service of employment not subject to the provision of § 508.54.

(b) Prohibitions: A recipient shall not:

(1) Discriminate on the basis of sex with regard to making fringe benefits available to employees or make fringe benefits available to spouses, families or dependents of employees differently upon the basis of the employee's sex;

(2) Administer, operate, offer, or participate in a fringe benefit plan which does not provide either for equal periodic benefits for members of each sex or for equal contributions to the plan by such recipient for members of each sex; or

(3) Administer, operate, offer, or participate in a pension or retirement plan which establishes different optional or compulsory retirement ages based on sex or which otherwise discriminates in benefits on the basis of sex.

§ 508.57 Marital or parental status.

(a) General. A recipient shall not apply any policy or take any employment action:

(1) Concerning the potential marital, parental, or family status of an employee or applicant for employment which treats persons differently on the basis of sex; or

(2) Which is based upon whether an employee or applicant for employment is the head of household or principal wage earner in such employee's or applicant's family unit.

(b) Pregnancy. A recipient shall not discriminate against or exclude from employment any employee or applicant for employment on the basis of pregnancy, childbirth, false pregnancy, termination of pregnancy, or recovery therefrom.

(c) Pregnancy as a temporary disability. A recipient shall treat pregnancy, childbirth, false pregnancy, termination of pregnancy, and recovery therefrom and any temporary disability resulting therefrom as any other temporary disability for all job-related purposes, including commencement, duration and extensions of leave, payment of disability income, accrual of seniority and any other benefit or service, and reinstatement, and under any fringe benefit offered to employees by virtue of employment.

(d) Pregnancy leave. In the case of a recipient which does not maintain a leave policy for its employees, or in the case of an employee with insufficient leave or accrued employment time to qualify for leave under such a policy, a recipient shall treat pregnancy, childbirth, false pregnancy, termination of pregnancy and recovery therefrom as a justification for a leave of absence without pay for a reasonable period of time, at the conclusion of which the

employee shall be reinstated to the status which she held when the leave began or to a comparable position, without decrease in rate of compensation or loss of promotional opportunities, or any other right or privilege of employment.

§ 508.58 Effect of State or local law or other requirements.

(a) Prohibitory requirements. The obligation to comply with this subpart is not obviated or alleviated by the existence of any State or local law or other requirement which imposes prohibitions or limits upon employment of members of one sex which are not imposed upon members of the other sex.

(b) Benefits. A recipient which provides any compensation service, or benefit to members of one sex pursuant to a State or local law or other requirement shall provide the same compensation service, or benefit to members of the other sex.

§ 508.59 Advertising.

A recipient shall not in any advertising related to employment indicate preference, limitation, specification, or discrimination based on sex unless sex is a bona fide occupational qualification for the particular job in question.

§ 508.60 Pre-employment inquiries.

(a) Marital status. A recipient shall not make pre-employment inquiry as to the marital status of an applicant for employment, including whether such applicant is "Miss or Mrs."

(b) Sex. A recipient may make pre-employment inquiry as to the sex of an applicant for employment, but only if such inquiry is made equally of such applicants of both sexes and if the results of such inquiry are not used in connection with discrimination prohibited by this part.

§ 508.61 Sex as a bona fide occupational qualification.

A recipient may take action otherwise prohibited by this subpart provided it is shown that sex is a bona fide occupational qualification for that action, such that consideration of sex with regard to such action is essential to successful operation of the employment function concerned. A recipient shall not take action pursuant to this section which is based upon alleged comparative employment characteristics or stereotyped characterizations of one or the other sex, or upon preference based on sex of the recipient, employees, students, or other persons, but nothing contained in this section shall prevent a recipient from

considering an employee's sex in relation to employment in a locker room or toilet facility used only by members of one sex.

Subpart F—Enforcement

§ 508.71 Procedures.

For the purpose of implementing this part, the procedural provisions applicable to Title VI of the Civil Rights Act of 1964 apply to this part. These procedures are found at 22 CFR 209.6–209.13.

§ 508.72 Delegation of authority.

Responsibility for administration and enforcement of this part with respect to programs administered by another Federal department or agency pursuant to delegation, transfer, interagency service agreement, or other arrangement is vested in the head of such department or agency, or his delegate, and subject to such delegations or redelegations as that head may make or authorize.

Appendix—Program of Financial Assistance Administered by USIA To Which These Regulations Apply

1. Grants to individuals, public or private nonprofit organizations, State and local governmental institutions in the United States and in other countries for interchanges of books, periodicals and government publications, and preparation, distribution and interchange of other educational materials (Section 202 of the United States Information and Educational Exchange Act of 1948, as amended, 22 U.S.C. 1447).

2. Grants to individuals, public or private nonprofit organizations, State and local governmental institutions in the United States and in other countries to assist libraries and community centers abroad, founded or sponsored by citizens of the United States, and serving as demonstration centers for methods and practices employed in the United States (Section 203 of the United States Information and Educational Exchange Act of 1948, as amended, 22 U.S.C. 1448).

3. Grants to private agencies, including existing American press, publishing, radio, motion picture, and other agencies in disseminating abroad information about the United States, its people, and policies (Section 1005 of the United States Information and Educational Exchange Act, 22 U.S.C. 1437).

4. Grants to public or private nonprofit foundations, institutions, or organizations for educational and cultural exchanges, visits, and interchanges, (Section 102 of the Mutual Educational and Cultural Exchange Act of 1961, as amended, 22 U.S.C. 2452).

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DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 100

[CGD3 86-14]

Regatta; Blessing of the Fleet and Water Show, Hudson River, Albany, NY

AGENCY: Coast Guard, DOT.

ACTION: Notice of proposed rule making.

SUMMARY: The Coast Guard is considering a proposal to establish Special Local Regulations for the Blessing of the Fleet and Water Show which is sponsored by the City of Albany Tricentennial River Festival Committee. The purpose of this regulation is to provide for the safety of participants and spectators on navigable waters during this event.

DATES: Comments must be received on or before July 7, 1986.

ADDRESSES: Comments should be mailed to Commander (b), Third Coast Guard District, Governors Island, New York, NY 10004. The comments will be available for inspection and copying at the Boating Safety Office, Building 110, Governors Island, New York, NY. Normal office hours are between 8:00 a.m. and 4:30 p.m., Monday through Friday, except holidays. Comments may also be hand-delivered to this address.

FOR FURTHER INFORMATION CONTACT: Mr. Lucas A. Dlhopsky, (212) 668-7974.

SUPPLEMENTARY INFORMATION: Interested persons are invited to participate in this proposed rulemaking by submitting written views, data, or arguments. Persons submitting comments should include their names and addresses, identify this notice (CGD3 86-14) and the specific section of the proposal to which their comments apply, and give reasons for each comment. Receipt of comments will be acknowledged if a stamped, self-addressed postcard or envelope is enclosed. The rules may be changed in light of comments received. All comments received before the expiration of the comment period will be considered before final action is taken on this proposal. No public hearing is planned, but one may be held if written requests for a hearing are received and it is determined that the opportunity to make oral presentations will aid the rulemaking process. The comment period for this proposed rulemaking is less than the normal 45 days because of the time constraints involved. Due to the shortened comment period, verbal comments submitted by telephone will be accepted.

Drafting Information

The drafters of this notice are Mr. Lucas A. Dlhopsky, Project Officer, Third Coast Guard District Boating Safety Office, and Ms. MaryAnn Arisman, Project Attorney, Third Coast Guard District Legal Office.

Discussion of Proposed Regulations

The Blessing of the Fleet and Water Show is an event sponsored by the City of Albany Tricentennial River Festival Committee as part of the City of Albany's three hundredth anniversary celebration. The event will be comprised of two parts. The first part is the blessing of the fleet during which the participating vessels will parade on the Hudson River from the southern end of the Port of Albany, north to the area in the vicinity of the Corning Preserve. After rounding the swing railroad bridge at mile 146.2 on the Hudson River, they will proceed back downstream and anchor near the east bank in the area between the Dunn Memorial bridge (river mile 145.4) and the swing railroad bridge to the north. The river between the railroad bridge and the I-90 highway bridge (river mile 147.2) will serve as a staging area for the parade and water show activities which form the second part of this tricentennial event. The sponsor anticipates that some 300 vessels ranging in size from 14 feet to 140 feet will participate in the blessing of the fleet parade which is scheduled to begin on Sunday, July 20, 1986 at 11:00 a.m. and last until noon that same day. A variety of activities on and over the water will make up the water show which is scheduled to take place from 12:00 noon (following the blessing of the fleet parade) to 7:00 p.m. The sponsor will provide several vessels from the Albany Police, Albany County Sheriff's and New York State Parks, Recreation and Historic Preservation Departments to assist the Coast Guard Patrol Commander in providing for the safety of the event and spectator craft. The Coast Guard intends to restrict vessel movement within the above outlined sections of the Hudson River during this event to provide for the safety of the participants and spectators on navigable waters. Vessels not participating in this marine event will not be allowed to pass through the regulated area during the effective period of this regulation except as the discretion of the Coast Guard Patrol Commander. Spectator vessels including those which participated earlier in the blessing of the fleet parade but not part of the water show activities will be directed to spectator areas near the East bank of the Hudson River prior to start of the water show. Any vessels

wishing to transit the regulated area during the effective period of these regulations shall make this intention known to the Coast Guard Patrol Commander via one of the patrol craft. These vessels will be directed to waiting areas south and north of the regulated area. This regulation will be published in the Local Notice to Mariners to advise the general public and commercial users on the Hudson River of the event.

Economic Assessment and Certification

This proposed regulation is considered to be non-major under Executive Order 12291 on Federal Regulation and nonsignificant under Department of Transportation regulatory policies and procedures (44 FR 11034; February 26, 1979). The economic impact of this proposal is expected to be so minimal that a full regulatory evaluation is unnecessary. This event is expected to draw a large number of spectator craft and shore spectators into the area for the duration of the celebration. This should have a favorable impact on commercial facilities providing services to the spectators. Since the Port of Albany is participating in this event, this commercial facility will not be adversely affected by this regulation. In addition, the regulated area includes the Port of Albany waterfront only for about one hour during the Blessing of the Fleet parade. As part of the Albany Tricentennial celebration this event will receive wide publication in the local news media. General marine navigation will be notified in advance through the Third Coast Guard District Local Notice To Mariners. Any vessels still wishing to transit the area will be allowed to do so at the discretion of the Coast Guard Patrol Commander when this can be safely accomplished.

Since the impact of this regulation is expected to be minimal, the Coast Guard certifies that it will not have a significant economic impact on a substantial number of small entities.

List of Subjects in 33 CFR Part 100

Marine Safety, Navigation (water).

PART 100—[AMENDED]

Proposed Regulation

In consideration of the foregoing, the Coast Guard proposes to amend Part 100 of Title 33, Code of Federal Regulations as follows:

1. The authority citation for Part 100 continues to read as follows:

Authority: 33 U.S.C. 1233; 49 CFR 1.46 and 33 CFR 100.35.

2. Part 100 is amended by adding a temporary § 100.35-324 to read as follows:

§ 100.35-324 Blessing of the Fleet and Water Show, Albany, New York.

(a) *Regulated Area.* During the Blessing of the Fleet parade (11 a.m. to approximately 12 noon), the regulated area includes that section of the Hudson River between the southern end of the Port of Albany turning basin and the I-90 Highway bridge at river mile 147.2. After the Blessing of the Fleet parade is completed (approximately noon) the regulated area is shortened to include only that section of the Hudson River from the Dunn Memorial Bridge, north to the I-90 highway bridge.

(b) *Effective Period.* This regulation is effective from 11:00 a.m. to 7:00 p.m. on July 20, 1986.

(c) *Special Local Regulations.* (1) All persons or vessels not registered with sponsor as participants or not part of the regatta patrol are considered spectators.

(2) No person or vessel may enter or remain in the regulated area unless participating in the event, or authorized to be there by the sponsor or Coast Guard patrol personnel.

(3) Spectator vessels must be at anchor within a designated spectator area or moored to a waterfront facility within the regulated area prior to the start of the Blessing of the Fleet parade and watershow activities as directed by the sponsor or Coast Guard Patrol Commander.

(4) All persons and vessels shall comply with the instructions of U.S. Coast Guard patrol personnel. Upon hearing five or more blasts from a U.S. Coast Guard vessel, the operator of a vessel shall stop immediately and proceed as directed. U.S. Coast Guard patrol personnel include commissioned, warrant and petty officers of the Coast Guard. Members of the Coast Guard Auxiliary may be present to inform vessel operators of this regulation and other applicable laws.

(5) For any violation of this regulation, the following maximum penalties are authorized by law:

(i) \$500 for any person in charge of the navigation of a vessel.

(ii) \$500 for the owner of a vessel actually on board.

(iii) \$250 for any other person.

(iv) Suspension or revocation of a license for a licensed officer.

Dated: May 27, 1986.

P.A. Yost,
Vice Admiral, U.S. Coast Guard, Commander,
Third Coast Guard District.

[FR Doc. 86-12664 Filed 6-4-86; 8:45 am]

BILLING CODE 4910-14-M

**FEDERAL EMERGENCY
MANAGEMENT AGENCY**

44 CFR Part 9

**Floodplain Management and
Protection of Wetlands; Temporary
Relocation Assistance**

AGENCY: Federal Emergency Management Agency.

ACTION: Proposed rule.

SUMMARY: This proposed rule exempts from the floodplain management requirement stated in 44 CFR Part 9 the placement of families in existing resources under Temporary Relocation Assistance provided under the Comprehensive Environmental Response, Compensation and Liability Act of 1980 (CERCLA).

DATE: FEMA will consider all comments received by August 4, 1986.

ADDRESS: Send comments to the Rule Docket Clerk, Office of General Counsel, Federal Emergency Management Agency, 500 "C" Street SW., Washington, DC 20472.

FOR FURTHER INFORMATION CONTACT: Karen Forbes, Office of Disaster Assistance Programs, Federal Emergency Management Agency, 500 "C" Street, SW—Room 701, Washington, DC 20472. (202) 646-3807.

SUPPLEMENTARY INFORMATION: FEMA has determined that the placement of families in existing resources under Temporary Relocation Assistance (CERCLA) should be exempt from the review process because:

(1) The need for temporary relocation is often immediate and the review process would significantly delay placement;

(2) FEMA's use of existing resources in the floodplain does not cause degradation of the floodplain;

(3) Non-use of existing resources in a floodplain could result in use of resources which would be more expensive;

(4) Temporary relocation usually lasts for a short period of time.

Environmental Consideration

Pursuant to section 102(2)(c) of the National Environmental Policy Act of 1969, and the implementing regulations of the Council on Environmental Quality (40 CFR Parts 1500-1508), FEMA has prepared an environmental assessment covering the issuance of these proposed regulatory changes. FEMA has determined that there will be no significant impact caused by issuance of this regulation, and an environmental impact statement will not be prepared. A finding of no significant impact has

been issued. Copies of the environmental assessment and finding are available from the Office of Disaster Assistance Programs, Federal Emergency Management Agency, 500 "C" Street, SW, Washington, DC 20472, and from the Rules Docket Clerk.

Executive Order 12291 "Federal Regulations"

This proposed rule is not a "major rule" within the context of Executive Order 12291. It will not have an annual effect on the economy of \$100 million or more.

This rule will not have a significant economic impact on small entities within the meaning of 5 U.S.C. 605 (the Regulatory Flexibility Act). Therefore, no regulatory analysis will be prepared.

This rule does not call for the collection of any information.

Accordingly, FEMA proposes to amend Chapter 1, Part 9 of Title 44, Code of Federal Regulations as follows:

**PART 9—FLOODPLAIN MANAGEMENT
AND PROTECTION OF WETLANDS**

1. The authority citation for Part 9 continues to read:

Authority: E.O. 11988, E.O. 11990, Reorganization Plan No. 3, 1978; E.O. 12127, E.O. 12148, 42 U.S.C. 5201.

§ 9.5 [Amended]

2. The introductory paragraph of § 9.5(c) is amended by adding in the parentheses phrase at the end of the third sentence the following "except as noted".

3. Section 9.5 is amended by adding new paragraph (c)(14) to read:

(14) Placement of families in existing resources and Temporary Relocation Assistance provided to those families so placed under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, Pub. L. 96-510.

Dated: May 30, 1986.

Julius W. Becton, Jr.,

Director.

[FR Doc. 86-12634 Filed 6-4-86; 8:45 am]

BILLING CODE 6718-01-M

FEDERAL MARITIME COMMISSION

46 CFR Part 572

[Docket No. 86-16]

**Conference Service Contract
Authority**

AGENCY: Federal Maritime Commission.

ACTION: Availability of finding of not significant impact.

SUMMARY: The Commission has completed an environmental assessment of a proposed rule in Docket No. 86-16 and found that its final resolution of this proceeding will not have a significant impact on the quality of the human environment.

DATE: Petitions for review are due June 16, 1986.

ADDRESS: Petitions for review (original and 15 copies) to: John Robert Ewers, Secretary, Federal Maritime Commission, 1100 L Street, NW., Washington, DC 20573.

FOR FURTHER INFORMATION CONTACT: Edward R. Meyer, Office of Special Studies, Federal Maritime Commission, 1100 L Street, NW., Washington, DC 20573.

SUPPLEMENTARY INFORMATION: Upon completion of an environmental assessment, the Federal Maritime Commission's Office of Special Studies has determined that the Commission's proposed rule in Docket No. 86-16 will not constitute a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969, 42 U.S.C. 4321 *et. seq.*, and the preparation of an environmental impact statement is not required.

In Docket No. 86-16 Commission proposes to revise its regulations governing agreements by common carriers and other persons subject to the Shipping Act of 1984.

Conferences have stated their service contract authority in a variety of ways, some so generally as to allow almost unlimited discretion with regard to any particular conduct taken in regulating service contracts. Other service contract authorities may provide for a particular method of regulating the contract, but allow for a change without filing an amendment to the agreement with the Commission. These authorities do not appear to be in keeping with the regulatory requirements of the 1984 Act.

The proposed rule would require (1) a Conference agreement that contains service contract authority to state the method by which the contract will be regulated, and (2) that any change in the method of such regulation can not be implemented prior to filing a modification with the Commission.

This Finding of No Significant Impact (FONSI) will become final within 10 days of publication of this notice in the Federal Register unless a petition for review is filed pursuant to 46 CFR 504.6 (b).

The FONSI and related environmental assessment are available for inspection upon request from the Office of the Secretary, Room 11101, Federal Maritime Commission, Washington, DC 20573, telephone (202) 523-5725.

By the Commission.
John Robert Ewers,
Secretary
[FR Doc. 86-12677 Filed 6-4-86; 8:45 am]
BILLING CODE 6730-01-M

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

49 CFR Part 571

[Docket No. 82-05; Notice 2]

Federal Motor Vehicle Safety Standards; Seating Reference Point and Driver's Eye Range

AGENCY: National Highway Traffic Safety Administration (NHTSA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes an amendment to the definition of seating reference point in 49 CFR 571.3 which would amend the reference to the Society of Automotive Engineers (SAE) Recommended Practice J826, "Manikins for Use in Defining Vehicle Seating Accommodations," to make it clear that the SRP is independent of the length of the manikin's legs. The agency believes this change will bring the definition into line with current industry practices and promote international harmonization of standards.

This notice implements the agency's granting of a petition for rulemaking on this subject by Mercedes-Benz of North America, Inc., and follows the issuance of an advance notice for proposed rulemaking (ANPRM). This notice also terminates agency consideration of two other proposals on which the ANPRM solicited comments. The first proposal would have required vehicle manufacturers to specify the location of a vehicle's seating reference point by placing permanent reference marks or points on the vehicle structure. At this time, the agency does not believe that such marks are necessary to facilitate compliance testing.

A second proposal would have implemented NHTSA's granting of another petition by Mercedes-Benz to amend several safety standards containing visibility requirements by changing the reference to a driver's eye range from SAE Recommended Practice J941 to a more recent version, SAE

Recommended Practice J941e. The agency believes that the current reference does not impose the restrictions which the petitioner attributes to it and therefore considers further rulemaking unnecessary.

A petition filed by Mercedes-Benz on Standard No. 210, *Seat Belt Assembly Anchorages*, is being addressed in a separate rulemaking proceeding. Although separate, the instant rulemaking action has issues in common with the Standard No. 210 rulemaking. Final rules in the two proceedings will be coordinated.

DATE: Comments must be received on or before August 4, 1986. The proposed effective date is the publication date of a final rule.

ADDRESS: All comments should refer to the docket number and notice number of this notice and be submitted to: Docket Section, Room 5109, National Highway Traffic Safety Administration, 400 Seventh Street, SW., Washington, DC 20590. The docket hours are from 8 a.m. to 4 p.m., Monday through Friday.

FOR FURTHER INFORMATION CONTACT: Kenneth W. Rutland, Office of Crash Avoidance, National Highway Traffic Safety Administration, 400 Seventh Street, SW., Washington, DC 20590 (202-426-2154).

SUPPLEMENTARY INFORMATION:

Seating Reference Point

In 1980, Mercedes-Benz petitioned this agency to amend the definition of "seating reference point" (SRP). That term is defined in 49 CFR 571.3 as:

"[T]he manufacturer's design reference point which—

(a) Establishes the rearmost normal design driving or riding position of each designated seating position in a vehicle;

(b) Has coordinates established relative to the designed vehicle structure;

(c) Simulates the position of the pivot center of the human torso and thigh; and

(d) Is the reference point employed to position the two dimensional templates described in SAE Recommended Practice J826, 'Manikins for Use in Defining Vehicle Seating Accommodations,' November 1962."

The Mercedes petition, and the comments to the ANPRM issued in response to it (48 FR 9865; March 8, 1982), present several questions about the use of the SRP in the Federal motor vehicle safety standards. The first question is whether the reference to SAE J826 should be updated to refer to a later edition which specifies a manikin with the dimensions of a 95th percentile male rather than those of a 90th

percentile male. The second is whether the SRP must be determined with the seat in the rearmost position or whether it may be determined with the seat in a position ahead or the rearmost position. The third question is whether the SRP should be employed as the universal reference point for fore and aft measurement in the standards. The final question is whether fiducial marks representing the SRP should be inscribed on the vehicle. The following discussion deals with each of these questions in turn.

SAE J826

In its petition for rulemaking, Mercedes stated that the November 1962 version of SAE J826 was out of date. That version of J826 specified a two-dimensional template with upper and lower leg segments based on 90th percentile male leg measurements, while later versions of SAE J826 used 95th percentile male leg segments. Mercedes stated that the use of the longer segments would bring the definition up to date with industry practices and promote the harmonization of United States and European safety standards. Mercedes therefore requested the adoption of the January 1974 version, SAE J826b, which specified the use of the 95th percentile segments.

In the ANPRM, the agency stated that it found merit in the Mercedes request, noting that to the extent industry used the 95th percentile leg segments in designing vehicles, implementation of safety standards based on 90th percentile leg segments would require "largely duplicative, although slightly different, measurements to be made."

In response to the agency's request for comments on Mercedes' petition, the industry commenters generally supported the change to the 95th percentile leg segments. Ford Motor Company suggested the adoption of the latest version of SAE J826, issued in 1980 as SAE Standard J826 APR80, "Devices for Use in Defining and Measuring Vehicle Seating Accommodation," which continues the use of the 95th percentile leg segments. Those comments which objected to revising the reference to SAE J826 appeared to rest on the erroneous belief that the agency intended to use the revised reference to designate a specific design reference point. In fact, the agency intends to permit each manufacturer to continue to select the location of the SRP consistent with the manufacturer's design considerations.

Upon reviewing the comments, the agency has tentatively concluded that the best way to deal with the question posed by the incorporation of SAE J826

would be to limit the incorporation to aspects of SAE J826 other than leg segment length. One constant feature of SAE J826 throughout its successive editions has been the location of the template's H-point with reference to the seat cushion and seat back. This location has not varied with the changes in leg segment length, and would appear to be a uniform design consideration in the manufacturers' placement of their SRP's. The agency is accordingly proposing to limit the reference to SAE J826 in the definition of SRP, thereby excluding leg segment length as a factor in the location of the SRP.

The agency has examined the effects of variation in leg segment length for the various Federal motor vehicle safety standards which incorporate SAE J826. The leg segments of the 95th percentile template, for example, are 0.6 inches longer overall than those of the 90th percentile template. If a manufacturer had located its SRP by extending the legs of the 90th percentile template as fully as the SAE J826 procedures permit, substitution of the 95th percentile template would permit the manufacturer to move the SRP rearward by approximately 0.5 inches. The decision to move the SRP would be largely up to the manufacturer, since by bending the 95th percentile legs at the knee, a vehicle designer could keep the SRP at the same point as before.

Two groups of vehicle safety standards refer to the SRP. In the 100 series, Standards No. 103, 104, 107, and 111 define certain areas of the windshield or field of view by using the SRP, directly or indirectly, as a reference point. If a manufacturer elected to move the SRP on one of its vehicles rearward by 0.5 inches, it would thereby increase the areas of the windshield or field of view defined by these standards. Insofar as no manufacturer objected to the use of the 95th percentile dimensions, the agency infers either that the manufacturers have already employed the 95th percentile dimensions for their design purposes, as Mercedes suggests to be the case, or that they would be able to do so without significant changes in vehicle design. Among the 200 series standards, Standards No. 201, 202, 203, 207, and 210 refer to the SRP directly or indirectly. As in the case of the 100 series standards, these standards could be marginally affected by a 0.5 inch rearward movement of the SRP.

The agency has therefore tentatively concluded that the variations in the manufacturers' placement of their SRP's which are likely to occur as a result of using different leg segments would have negligible safety consequences.

Comments are invited as to whether this proposal would make any difference in the design of vehicle interiors or in the compliance of planned vehicles with applicable safety standards.

The SRP in Relation to Seat Position

The second question posed by Mercedes' petition is whether the SRP should be determined with the seat in the rearmost position or with the seat in a position ahead of the rearmost position. Mercedes argues that paragraph (a) of the SRP definition, which specifies that the seat is in the "rearmost normal design driving position," should be construed to permit the SRP to lie ahead of the rearmost seat position. Mercedes has designed an elongated seat track for the convenience of occupants who want additional leg room. This track extends rearward of the position necessary to accommodate a 95th percentile male. Mercedes' concern, and the main thrust of its petition, is that the procedure in SAE J826 for positioning the two-dimensional manikin appears to assume that the seat will be adjusted to its rearmost position. If the seat must be in the rearmost position when determining the SRP, then all the measurements in the standards which reference the SRP would also have to be made from the rearmost position. This would mean that the SRP measured at the 95th percentile point would also determine the rearmost seat position, precluding the use of the elongated seat track. Mercedes' solution is to amend the definition of SRP to specify that the SRP would be measured at a point representing the specified manikin dimensions, regardless of the amount of seat track to the rear of that point.

In the ANPRM the agency responded to Mercedes by issuing an interpretation of paragraph (a) of the definition as follows:

[the SRP] represents the rearmost design position from which manufacturers are required to meet various performance standards. It does not establish the absolute rearmost design point to which a seat may be adjusted. (47 FR at 9766)

Upon further analysis, and in the light of the comments on the ANPRM, the agency believes that the interpretation in the ANPRM was incorrect, and is modifying the interpretation as discussed hereafter. While on its face the ANPRM interpretation was favorable to Mercedes' position, it did not resolve the question presented by standards such as Standard No. 210, which uses the SRP as a reference point but states that all measurements are to be made with the seat in the rearmost

position. In its comment to the ANPRM, Mercedes included a chart to show how the safety belt anchorages under Standard No. 210 would still have to be measured with the seat in the rearmost position, regardless of what flexibility is given the manufacturers in the definition of the SRP.

The question presented by Standard No. 210 has caused the agency to reexamine its position on the SRP. The agency plans to issue a separate NPRM on Standard No. 210, responding to a petition from Mercedes.

Because Standard No. 210 uses the SRP as its reference point, the requirement that the seats be in the absolute rearmost position would dictate that the SRP be established with the seat in that position. A manufacturer could not establish two seating reference points, so that the location dictated by Standard No. 210 would prevent a manufacturer from having seat positions to the rear of the SRP. In effect, the SRP usage in Standard No. 210 would decide the question presented by Mercedes in favor of the rearmost position. The agency surveyed the location of the SRP's in the vehicles it tested during its most recent compliance testing program, and found that, without exception, the manufacturers had determined the SRP with the seat in the rearmost position.

These circumstances have led the agency to modify the SRP interpretation announced in the ANPRM. That interpretation could lead a manufacturer to conclude that a seating position rearward of the SRP could be occupied while the vehicle is in motion. However, there is test data indicating that an anchorage positioned forward of the SRP may allow for increased head movement. It is therefore the agency's opinion that the reference in the SRP definition to the "rearmost normal design driving or riding position" means the rearmost position to which a seat can be adjusted when the vehicle is in operation. To further clarify this meaning, the agency is proposing to delete the word "normal" from the SRP definition.

SRP vs. Rearmost Position

In its comment on the ANPRM, Rolls-Royce Motors stated that the interpretation that the SRP was not necessarily the rearmost position would create confusion in the interpretation of standards, in that some refer to SRP, others to "rearmost position," and some to both. The company suggested that this confusion could be resolved by amending several standards to refer to the SRP rather than to other rearward positions. In view of the modified

interpretation of SRP set forth in the preceding section, the agency takes the view that such amendments are not necessary. Standard No. 104, for example, substitutes the SRP for "H point" or manikin H point" whenever those terms are used in the SAE standards and recommended practices incorporated by the standard. This substitution results in references to "SRP with seat in rearmost position" (Figure 1, SAE Recommended Practice J903a), a concept that would be internally contradictory if the SRP could be at a position other than the rearmost position. However, if the SRP must be defined with the seat at its rearmost position, the contradiction disappears. There would thus seem to be no reason to amend Standard No. 104 or the other standards which refer both to SRP and to rearmost position.

Standard No. 208, on the other hand, refers to "rearmost position" but not to the SRP. In specifying the conditions for testing, the standard provides that an adjustable seat is in the position "midway between the forwardmost and rearmost positions." Insofar as this condition refers to the position of the seat itself, and not to the location of any point or points relative to the seat, substituting "SRP" for "rearmost position" could arguably change the location of the seat for testing purposes, since the SRP itself is a point in space forward of the seat back. Because substituting "SRP" would thus not clarify Standard No. 208, the agency is not proposing the substitution.

The agency requests comments on any specific problems in vehicle design or compliance testing which may result from the continuance of the existing variety of references to seat position, or from restrictions in the existing standards that occur as a result of seating position specifications for the compliance test. However, at this time the agency is not proposing to make any change in the terms used in the standards.

Fiducial Marks

The ANPRM stated that the agency would consider proposing a requirement that manufacturers specify a vehicle's SRP in terms of accessible permanent marks or points, known as fiducial marks, on the vehicle structure. Most manufacturers opposed the use of these marks as an unnecessary burden, since the marks would be used only for the small number of vehicles actually tested by the agency. Upon review of its own test experience, the agency concludes that it has not had significant difficulty in understanding the manufacturers' descriptions of their SRP's. The agency

does not believe that fiducial marks will be of significant value and has therefore decided not to consider this issue further.

Driver's Eye Range

In a second petition for rulemaking, Mercedes-Benz sought to update the references to SAE Recommended Practice J941 in Motor Vehicle Safety Standard Nos. 104, *Windshield Wiping and Washing Systems*, and 107, *Reflecting Surfaces*. Two standards which rely on Standard No. 104's measurements, Standard No. 103, *Windshield Wiping and Washing System*, and Standard No. 111, *Rearview Mirrors*, would also be affected. Mercedes-Benz argued that the 1965 version of SAE J941 currently incorporated into these standards restricts seat back angles to the range of 22 to 28 degrees, a range which the company believed to be too narrow for modern seat designs. The petition therefore sought the substitution of a later version, SAE J941e (1979), which specifies seat back angles from 5 to 40 degrees.

The agency combined its initial response to the Mercedes-Benz petition with its response to the SRP issues. In the March 1982 ANPRM, the agency indicated that it was considering changing the reference from SAE J941 to SAE J941e, as requested by Mercedes. Most industry commenters favored adoption of the later version because of its presumed effect on seat back angles.

Upon further analysis of the aspect of SAE J941 incorporated by the vehicle safety standards, the agency has concluded that the standards do not limit the seat back angles. Although SAE J941 states in section 3, *Limitations*, that interior dimensions on the driver's side must include a seat back angle of 22 to 28 degrees, the actual procedure for locating the driver's eye range contour employs calculations based on the SRP, not on the seat back angle. Because Standard Nos. 104 and 107 incorporate only the procedure for locating the eye range contour, and not the full text of SAE J941, they should not be construed as incorporating any restrictions on the seat back angle. It is the agency's view that the broader range of seat back angles sought by Mercedes-Benz is therefore acceptable under the vehicle safety standards incorporating the 1965 version of SAE J941. A manufacturer may thus adopt seat back angles outside the 22-28 degree range without violating any provisions of the standards incorporating SAE J941. This interpretation constitutes a substantive

grant of Mercedes-Benz's petition on the question of seat back angles.

It may be that other reasons could be advanced for updating the references to SAE 1941. However, it is not clear on the present record whether the advantages of the later versions of SAE 1941 would justify the more elaborate procedures those versions would impose on the manufacturers. The agency has accordingly decided not to update the references to SAE 1941 at this time. If additional petitions for rulemaking on the question of SAE 1941 are received, the agency will give them appropriate attention.

Costs and Other Effects

The agency has considered the costs and other effects of this proposal and has determined that the proposal would not be major within the meaning of Executive Order 12291 or significant within the meaning of the Department of Transportation's regulatory procedures. Further, the agency concludes that the economic and other consequences of the proposed amendment would be so minimal as not to require the preparation of a full regulatory evaluation. The proposed change to amend the definition of seating reference point by limiting the incorporation of SAE Recommended Practice J826 to its H-point dimensions would have little or no effect on the design or cost of vehicles.

NHTSA has also considered the impacts of this proposal under the Regulatory Flexibility Act. I hereby certify that amending 49 CFR Part 571 to amend the reference to the SAE recommended practice referred to in the paragraph above would not have a significant economic impact on a substantial number of small entities. Only motor vehicle manufacturers would be affected, few of whom are small entities. Small organizations and governmental units would not be affected since the cost of compliance would not be changed.

Finally, NHTSA has analyzed this proposal for purposes of the National Environmental Policy Act. The agency

has determined that implementation of this action would not have any significant impact on the quality of the human environment.

Submission of Comments

Interested persons are invited to submit comments on the proposal. It is requested but not required that 10 copies be submitted.

All comments must be limited not to exceed 15 pages in length (49 CFR 553.21). Necessary attachments may be appended to these submissions without regard to the 15-page limit. This limitation is intended to encourage commenters to detail their primary arguments in a concise fashion.

If a commenter wishes to submit certain information under a claim of confidentiality, three copies of the complete submissions, including purportedly confidential information, should be submitted to the Chief Counsel, NHTSA, at the street address given above, and seven copies from which the purportedly confidential information has been deleted should be submitted to the Docket Section. A request for confidentiality should be accompanied by a cover letter setting forth the information specified in the agency's confidential business information regulation (49 CFR Part 512).

All comments received before the close of business on the comment closing date indicated above will be considered, and will be available for examination in the docket at the above address both before and after that date. To the extent possible, comments filed after the closing date will also be considered. However, the rulemaking action may proceed at any time after that date, and comments received after the closing date and too late for consideration in regard of the action will be treated as suggestions for future rulemaking. The NHTSA will continue to file relevant material as it becomes available in the docket after the closing date, and it is recommended that interested persons continue to examine the docket for new material.

Those persons desiring to be notified upon receipt of their comments in the rulemaking docket should enclose, in the envelope with their comments, a self-addressed stamped postcard. Upon receiving the comments, the docket supervisor will return the postcard by mail.

List of Subjects in 49 CFR Part 571

Imports, Motor vehicle safety, Motor vehicles.

PART 571—FEDERAL MOTOR VEHICLE SAFETY STANDARDS

In consideration of the foregoing, Part 571 of Title 49 would be amended as follows:

1. The authority citation for Part 571 would continue to read as follows:

Authority: 15 U.S.C. 1392, 1401, 1403, 1407; delegation of authority at 49 CFR 1.50.

2. Part 571.3 would be amended by revising the definition of "seating reference point" in paragraph (b), *Other Definitions*, to read as follows:

§ 571.3 Other definitions.

* * *

(b) * * *

"Seating reference point" means the manufacturer's design reference point which—

Establishes the rearmost design driving or riding position of each designated seating position in a vehicle;

Has coordinates established relative to the designed vehicle structure; and

Simulates the position of the pivot center of the human torso and thigh relative to the vehicle seat, as defined by the H-point of the two-dimensional template described in SAE Recommended Practice J826, "Devices for Use in Defining and Measuring Vehicle Seating Accommodation," November 1962.

* * *

Issued on May 28, 1986.

Barry Felrice,

Associate Administrator, for Rulemaking.

[FR Doc. 86-12553 Filed 6-4-86; 8:45 am]

BILLING CODE 4910-59-M

Notices

Federal Register

Vol. 51, No. 108

Thursday, June 5, 1986

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

Flue-Cured Tobacco Advisory Committee; Meeting

In accordance with the Federal Advisory Committee Act (5 U.S.C. App. 1) announcement is made of the following committee meeting:

Name: Flue-Cured Tobacco Advisory Committee.

Date: June 18, 1986.

Time: 2 p.m.

Place: Tobacco Division, Agricultural Marketing Service, U.S. Department of Agriculture, Flue-Cured Tobacco Cooperative Stabilization Corporation Building, 1306 Annapolis Drive, Raleigh, North Carolina 27605.

Purpose: To discuss the establishment of marketing areas, submarketing areas, selling schedules, related matters for the 1986 flue-cured tobacco marketing season.

The meeting is open to the public. Persons, other than members, who wish to address the Committee at the meeting should contact the Director, Tobacco Division, Agricultural Marketing Service, U.S. Department of Agriculture, 300 12th Street SW., Washington, DC 20250, (202) 447-2567, prior to the meeting. Written statements may be submitted to the Committee prior to or at the meeting.

Dated: June 3, 1986.

William T. Manley,

Deputy Administrator, Marketing Programs.

[FR Doc. 86-12713 Filed 6-4-86; 12:05 pm]

BILLING CODE 3410-02-M

Forest Service

Henry's Fork and Warm River Wild and Scenic Rivers Study, Targhee National Forest, Fremont County, ID; Intent To Prepare an Environmental Impact Statement

The Department of Agriculture, Forest Service will prepare a legislative environmental impact statement which analyzes alternatives for including portions of the Henry's Fork of the

Snake River and Warm River in the National Wild and Scenic River System.

The Targhee National Forest Land and Resource Management Plan was completed and approved on October 4, 1985. One of the management directions in the Plan was to study the suitability of portions of the Henry's Fork of the Snake River and Warm River for possible inclusion in the National Wild and Scenic River System.

A range of alternatives will be considered. One alternative will consider full designation of the river to the highest appropriate level of classification. Another alternative will consider nondesignation. Other alternative levels of designation will also be examined. The study will determine which of the proposed hydropower projects will be foregone with full designation, alternative levels of designation, or nondesignation.

Federal, State and local agencies; potential developers; and other individuals or organizations who may be interested in or affected by the decision are invited to participate in the scoping process. This process will include:

1. Identification of potential issues.
2. Identification of issues to be analyzed in depth.
3. Elimination of insignificant issues or those which have been covered by a previous environment review.
4. Determination of potential cooperating agencies and assignment of responsibilities.
5. Scoping Meetings (which will be arranged locally).

Other Federal, State, county, and local government agencies and entities will be invited to participate in the study. The U.S. Fish and Wildlife Service, Department of the Interior, will be invited to evaluate potential impacts on threatened and endangered species habitat.

Richard E. Lyng, Secretary of Agriculture, is the responsible official.

The legislative draft environmental impact statement should be available for public review in July 1987. A legislative final environmental impact statement will be released upon transmittal of the legislative proposal to Congress.

Written comments and suggestions concerning the analysis should be sent to John Burns, Forest Supervisor, Targhee National Forest, P.O. Box 208,

St. Anthony, Idaho, 83445, by June 30, 1986.

Questions about the proposed action and environmental impact statement should be directed to Paul Oakes, Study Team Leader, Targhee National Forest, phone 208-624-3151.

Dated: May 29, 1986.

R. Max Peterson,

Chief.

[FR Doc. 86-12625 Filed 6-4-86; 8:45 am]

BILLING CODE 3410-11-M

Land and Resource Management Plan, Lake Tahoe Basin Management Unit, California and Nevada; Notification of Extension of Public Comment Period for Draft Environmental Impact Statement and Proposed Forest Plan

The public comment period for the Tahoe Basin Management Unit proposed Land and Resource Management Plan and Draft Environmental Impact Statement is being extended. Comments must now be received by July 27, 1986.

This amends the Notice of Availability published in the Federal Register of March 21, 1986 (ER-FRL 2988-4) Volume 51 #55.

The former due date was June 27, 1986.

For Further information contact: Jon Hoefer, Planning Staff Officer, Lake Tahoe Basin Management Unit, P.O. Box 8465, South Lake Tahoe, Ca. 95731; telephone (916) 544-6420.

Dated: May 29, 1986.

Ralph C. Cisco,

Forest Supervisor.

[FR Doc. 86-12687 Filed 6-4-86; 8:45 am]

BILLING CODE 3410-11-M

Soil Conservation Service

Cedar Run Watershed, PA

AGENCY: Soil Conservation Service, USDA.

ACTION: Notice of a Finding of No Significant Impact.

SUMMARY: Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR Part 650); The Soil Conservation Service, U.S. Department of Agriculture, gives

notice that an environmental impact statement is not being prepared for the Cedar Run Watershed, Clinton and Centre Counties, Pennsylvania.

FOR FURTHER INFORMATION CONTACT:

Mr. James H. Olson, State Conservationist, Soil Conservation Service, Federal Building, 228 Walnut Street, Harrisburg, Pennsylvania 17108, telephone (717) 782-4453.

SUPPLEMENTARY INFORMATION: The environmental evaluation of this federally-assisted action indicates that the project will not cause significant local, regional, or national impacts on the environment. As a result of these findings, Mr. James H. Olson, State Conservationist, has determined that the preparation and review of an environmental impact statement is not needed for this project.

The project concerns a plan for watershed protection. The planned works of improvement include the installation of conservation and management practices for erosion and sediment control on 2,600 acres of cropland and agricultural waste management systems to reduce pollution to the streams.

The Notice of a Finding of No Significant Impact (FONSI) has been forwarded to the Environmental Protection Agency and to various federal, state and local agencies, and interested parties. A limited number of copies of the FONSI are available to fill single copy requests at the above address. Basic data developed during the environmental evaluation are on file and may be reviewed by contacting James H. Olson.

No administrative action on implementation of the proposal will be taken until 30 days after the date of this publication in the *Federal Register*.

(This activity is listed in the Catalog of Federal Domestic Assistance under No. 10-904—Watershed Protection and Flood Prevention—and is subject to the provisions of Executive Order 12372 which requires intergovernmental consultation with state and local officials.)

Dated: May 29, 1986.

James H. Olson,
State Conservationist.

[FR Doc. 86-12629 Filed 6-4-86; 8:45 am]

BILLING CODE 3410-16-M

COMMISSION ON THE BICENTENNIAL OF THE UNITED STATES CONSTITUTION

Meeting

AGENCY: Commission on the Bicentennial of the United States Constitution.

ACTION: Notice of meeting.

SUMMARY: This Notice announces a forthcoming meeting of the Commission on the Bicentennial of the United States Constitution, to be held in Washington, DC and chaired by the Commission's Chairman, Chief Justice Warren E. Burger.

Time and date: Friday, June 20, 1986 at 1:00 p.m.; Saturday, June 21, 1986 at 8:30 a.m.

Place: On June 20, from 1:00 p.m. to 3:00 p.m., in the Hall of Flags meeting room of the United States Chamber of Commerce, at 1615 H Street, NW., Washington DC 20062. Tel. (202) 659-6000. On June 21, from 8:30 a.m. to 12:00 noon, in the Executive Council Room of the AFL-CIO Building, at 815 16th Street, NW., Washington, DC 20006. Tel. (202) 637-5000.

Status: On June 20, the meeting will be a public hearing in open session; on June 21, the meeting will be an executive session, closed to the public.

Matters to be Considered

Open Session. Progress on commemorative plans and programs; announcement of project and other recognition decisions; proposed regional and national bicentennial projects; and, reception of testimony from witnesses presenting proposals and programs for consideration of the Commission.

Executive Session. Evaluations of proposed projects, programs and bicentennial activities; review of Commission financing and budgets; personnel structure and selection procedures; status of office space; pending appropriations, legislation and regulations; and negotiations involving national commemorative programs.

Statements

The Commission is interested in hearing from all persons and organizations with proposed plans, projects or programs which would enhance the bicentennial commemoration of the U.S. Constitution, the Bill of Rights or the founding of the Federal Government. All such statements which can be prepared prior to the Commission meetings on June 20 and 21 should be filed with the Commission on or before June 20, 1986, at 734 Jackson Place, NW., Washington, DC 20503. All statements will be reviewed by the Commission and its staff.

Presentations

At the public hearing on June 20, available time will permit only a few oral presentations. The Commission will

notify in advance those witnesses who have been asked to appear and will limit oral presentations to those selected.

FOR FURTHER INFORMATION CONTACT:

Gene Mater, Special Assistant to the Director, 734 Jackson Place, NW., Washington, DC 20503. Tel: (202) USA-1787.

SUPPLEMENTARY INFORMATION: The purpose of this meeting is to give the Commission an opportunity to review the current status of operations and to report on its activities. It also provides an opportunity for witnesses and persons filing statements to advise the Commission about proposed bicentennial plans and programs.

Dated: June 2, 1986.

Mark W. Cannon,
Staff Director.

[FR Doc. 86-12662 Filed 6-4-86; 8:45 am]

BILLING CODE 5340-01-M

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Request for Public Comment on Bilateral Textile Consultations With the Government of Sri Lanka To Review Trade in Category 351

May 30, 1986.

On May 2, 1986, the Government of the United States requested consultations with the Government of Sri Lanka with respect to cotton textile products in Category 351 (pajamas and other nightwear). This request was made on the basis of the agreement between the Governments of the United States and Sri Lanka of May 10, 1983, as amended, relating to trade in cotton, wool and man-made fiber textile products. The agreement provides for consultations when imports, due to market disruption, or the threat thereof, threaten to impede the orderly development of trade between the two countries.

According to the terms of the bilateral agreement, if no mutually satisfactory solution is reached during consultations, the United States may establish a prorated specific limit for the period which began on May 2, 1986.

The Government of the United States has decided, pending a mutually satisfactory solution, to control imports in Category 351 exported during the 90-day consultation period which began on May 2, 1986 and extends through July 30, 1986 at the prescribed limit of 25,496 dozen.

The United States remains committed

to finding a solution concerning this category. Should such a solution be reached in consultations with the Government of Sri Lanka, further notice will be published in the Federal Register.

A summary market statement for this category follows this notice.

A description of the textile categories in terms of T.S.U.S.A. numbers was published in the Federal Register on December 13, 1982 (47 FR 55709), as amended on April 7, 1983 (48 FR 15175), May 3, 1983 (48 FR 19924), December 14, 1983 (48 FR 55607), December 30, 1983 (48 FR 57584), April 4, 1984 (49 FR 13397), June 28, 1984 (49 FR 26622), July 16, 1984 (49 FR 28754), November 9, 1984 (49 FR 44782), and in Statistical Headnote 5, Schedule 3 of the TARIFF SCHEDULES OF THE UNITED STATES ANNOTATED (1986).

Anyone wishing to comment or provide data or information regarding the treatment of Category 351 under the agreement with Sri Lanka, or on any other aspect thereof, or to comment on domestic production or availability of textile products included in the category, is invited to submit such comments or information in ten copies to Mr. William H. Houston III, Chairman, Committee for the Implementation of Textile Agreements, International Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230. Because the exact timing of the consultations is not yet certain, comments should be submitted promptly. Comments or information submitted in response to this notice will be available for public inspection in the Office of Textiles and Apparel, Room 3100, U.S. Department of Commerce, 14th and Constitution Avenue NW., Washington, D.C., and may be obtained upon written request.

Further comment may be invited regarding particular comments or information received from the public which the Committee for the Implementation of Textile Agreements considers appropriate for further consideration.

The solicitation of comments regarding any aspect of the agreement or the implementation thereof is not a waiver in any respect of the exemption contained in 5 U.S.C. 553(a)(1) relating to matters which constitute "a foreign affairs function of the United States."

This letter and the actions taken pursuant to it are not designed to implement all of the provisions of the bilateral agreement, but are designed to

assist only in the implementation of certain of its provisions.

William H. Houston III,
Chairman, Committee for the Implementation of Textile Agreements.

Sri Lanka—Market Statement

Category 351—Pajamas and Other Cotton Nightwear

April 1986.

Summary and Conclusions

U.S. imports of Category 351 from Sri Lanka were 73,000 dozens during year-ending February 1986 compared with 23,000 dozens a year earlier. During full year 1985, 57,000 dozens were imported, a 160 percent increase from 1984.

The rapid growth of low valued Category 351 imports from Sri Lanka are contributing to the disruption of the U.S. cotton pajamas and nightwear market.

U.S. Production and Market Share

U.S. production of Category 351 dropped from 4.0 million dozens in 1981 to 3.8 million dozens in 1983, or 5 percent. In 1984, production rebounded moderately to 3.9 million dozens, but remained 1.5 percent below the 1981 level.

Between 1981 and 1984, the market for cotton pajamas and other nightwear grew by 502,000 dozens. However, this expansion was supplied by imports and the U.S. producers' share fell from 69 percent to 63 percent.

U.S. Imports and Import Production Ratios

With the exception of 1983 which saw a slight decline in imports, world imports of Category 351 have risen steadily. In 1985 total imports were 2.6 million dozens, up 14 percent from 1984.

The import to production ratio has correspondingly risen. From 44 percent in 1981, it jumped to 54 percent in 1982 and to 59 percent in 1984.

Import and Domestic Values

Approximately 80 percent of the recent Category 351 imports from Sri Lanka entered under the following two TSUSA numbers: 384.0925—women's, girls', infants' cotton pajamas or nightwear, lace, net or ornamented knit; 384.5226—women's, girls', infants' other cotton nightwear, yarn-dyed, not knit, not ornamented, nsp. These garments entered the U.S. at duty-paid values below U.S. producer prices for comparable items.

May 30, 1986.

Committee for the Implementation of Textile Agreements

Commissioner of Customs,
Department of the Treasury, Washington,
D.C. 20229

Dear Mr. Commissioner: Under the terms of section 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854), and the Arrangement Regarding International Trade in Textiles done at Geneva on December 20, 1973, as extended on December 15, 1977 and December 22, 1981; pursuant to the Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of May 10, 1983, as amended,

between the Governments of the United States and Sri Lanka; and in accordance with the provisions of Executive Order 11651 of March 3, 1972, as amended, you are directed to prohibit, effective on June 5, 1986, entry into the United States for consumption and withdrawal from warehouse for consumption of man-made fiber textile products in Category 351, produced or manufactured in Sri Lanka and exported during the ninety-day period which began on May 2, 1986 and extends through July 30, 1986, in excess of the following limit:

Category	90-day limit ¹
351.....	25,496 dozen

¹ The limit has not been adjusted to account for any imports exported after May 1, 1986.

Textile products in Category 351 which have been exported to the United States prior to May 2, 1986 shall not be subject to this directive.

Textile products in Category 351 which have been released from the custody of the U.S. Customs Service under the provisions of 19 U.S.C. 1448(b) or 1484 (a)(1)(A) prior to the effective date of this directive shall not be denied entry under this directive.

A description of the textile categories in terms of T.S.U.S.A. numbers was published in the Federal Register on December 13, 1982 (47 FR 55709), as amended on April 7, 1983 (48 FR 15175), May 3, 1983 (48 FR 19924), December 14, 1983, (48 FR 55607), December 30, 1983 (48 FR 57584), April 4, 1984 (49 FR 13397), June 28, 1984 (49 FR 26622), July 16, 1984 (49 FR 28754), November 9, 1984 (49 FR 44782), and in Statistical Headnote 5, Schedule 3 of the TARIFF SCHEDULES OF THE UNITED STATES ANNOTATED (1986).

In carrying out the above directions, the Commissioner of Customs should construe entry into the United States for consumption to include entry for consumption into the Commonwealth of Puerto Rico.

The Committee for the Implementation of Textile Agreements has determined that this action falls within the foreign affairs exception to the rulemaking provisions of 5 U.S.C. 553 (a)(1).

Sincerely,

William H. Houston III.

Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 86-12679 Filed 6-4-86; 8:45 am]

BILLING CODE 10-DR-M

CONSUMER PRODUCT SAFETY COMMISSION

Notification of Request for Extension of Approval of Information Collection Requirements—Mattress Flammability Standard

AGENCY: Consumer Product Safety Commission.

ACTION: Notice.

SUMMARY: In accordance with provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35), the Consumer Product Safety Commission has submitted to the Office of Management and Budget a request for extension of approval through May 1, 1989, of information collection requirements in the flammability standard for mattresses and mattress pads (16 CFR Part 1632). The standard is intended to reduce unreasonable risks of burn injuries and deaths from fires associated with mattresses and mattress pads. The standard prescribes a test to assure that a mattress or mattress pad will resist ignition from a smoldering cigarette. The standard requires manufacturers to perform prototype tests of each combination of materials and construction methods used to produce mattresses or mattress pads with acceptable results. Sale or distribution of mattresses or mattress pads without successful completion of the testing required by the standard violates section 3 of the Flammable Fabrics Act (15 U.S.C. 1192). An enforcement rule implementing the standard requires manufacturers to maintain records of testing performed in accordance with the standard and other information about the mattresses or mattress pads which they produce.

Additional Details About the Request for Extension of Approval of Information Collection Requirements

Agency address: Consumer Product Safety Commission, 1111 18th Street, Washington, D.C. 20207.

Title of information collection: Standard for the Flammability of Mattresses and Mattress Pads (FF 4-72, Amended); 16 CFR Part 1632.

Type of Request: Extension of approval.

Frequency of collection: Varies depending upon the number of individual combinations of materials and methods of construction used to produce mattresses or mattress pads.

General description of respondents: Manufacturers and importers of mattresses or mattress pads.

Estimated number of respondents: 800
Estimated average number of hours per respondent: 26 per year.

Comments: Comments on this request for extension of approval of information collection requirements should be addressed to Andy Velez-Rivera, Desk Officer, Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, D.C. 20503; telephone (202) 395-7340. Copies of the request for extension of approval are available from Francine Shacter, Office of Budget, Program

Planning, and Evaluation, Consumer Product Safety Commission, Washington, D.C. 20207; telephone (301) 492-6529.

This is not a proposal to which 44 U.S.C. 3504(h) is applicable.

Dated: May 30, 1986,

Sadye E. Dunn,

Secretary, Consumer Product Safety Commission.

[FR Doc. 86-12648 Filed 6-4-86; 8:45 am]

BILLING CODE 6355-01-M

DEPARTMENT OF DEFENSE

Armed Forces Epidemiological Board; Open Meeting

1. In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463) announcement is made of the following committee meeting:

Name of Committee: Armed Forces Epidemiological Board.

Date of Meeting: 1 July 1986.

Time: 0800-1600.

Place: Walter Reed Army Institute of Research.

Proposed Agenda: Reports by the Preventive Medicine Consultants of the Army, Navy, Air Force and Coast Guard: Human T-lymphotropic virus, Type III positivity update; therapy resistant gonorrhea infections in the Air Force; review of potential for virus transmission by jet injector guns; status, malaria vaccine trials; subcommittee reports and report by the Armed Forces Global Epidemiology Working Group.

2. This meeting will be open to the public, but limited by space accommodations. Any interested person may attend, appear before or file statements with the committee at the time and in the manner permitted by the committee. Interested persons wishing to participate should advise the Executive Secretary, DASG-AFEB, Room 2D455, Pentagon, Washington, DC 20310-2300, (202) 695-9115.

Dated: 23 May 1986.

Robert A. Wells,

Col, USA, MSC, Executive Secretary.

[FR Doc. 86-12622 Filed 6-4-86; 8:45 am]

BILLING CODE 3710-06-M

DEPARTMENT OF EDUCATION

Request for Public Comments on the Reauthorization of the Education Consolidation and Improvement Act of 1981

AGENCY: Department of Education.

ACTION: Notice of request for public comments on the reauthorization of the

Education Consolidation and Improvement Act of 1981 (ECIA).

SUMMARY: The Secretary of Education has initiated development of a proposal by the Department for reauthorization of the ECIA. The Secretary invites written comments on the current ECIA, and suggestions for changes for consideration by the Department during development of the proposal.

DATE: Written comments must be submitted on or before July 7, 1986.

ADDRESS: Written comments should be addressed to: ECIA Reauthorization, 400 Maryland Avenue SW., Room 2189 (Mail Stop 6257), Washington, DC 20202.

FOR FURTHER INFORMATION CONTACT: ECIA Reauthorization, 400 Maryland Avenue SW., Room 2189 (Mail Stop 6257), Washington, DC 20202.

SUPPLEMENTARY INFORMATION: The ECIA has two major components: Chapter 1 (formerly Title I), which provides funds to State and local educational agencies for special compensatory education services for disadvantaged children, and Chapter 2, which provides a block grant to the States for improvement of elementary and secondary education. Chapter 2 also authorizes a Secretary's Discretionary Fund for educational improvement activities of national significance.

In preparing its reauthorization bill, the Department will undertake a thorough review of the Chapter 1 and Chapter 2 evaluation data and solicit comments from and consult with those who have an interest in these programs. The Secretary wishes to ensure that there is a full and frank discussion of all the issues and that the Department's final proposal reflects the most effective means of serving educationally disadvantaged children and fostering educational improvement. The final proposal will also present a comprehensive response to problems identified with the structure or administration of the current programs.

Need for Reauthorization

The authorization for the ECIA expires on September 30, 1987. In order to contribute in a timely manner to the congressional reauthorization discussions, the Secretary is beginning a review of the ECIA at this time.

To ensure an opportunity for public participation, the Secretary invites public comments on the reauthorization effort.

Issues for Public Comment

Among the issues that the Department will consider in developing its

reauthorization proposal for Chapters 1 and 2 are:

- How compensatory education services can be focused most effectively on children who most need them;
- What educational strategies would yield the greatest benefits for disadvantaged children;
- How parents of disadvantaged children can be given greater opportunity to select appropriate educational options for their children; and
- Whether the current structure of the Chapter 2 program is best serving the goal of educational improvement.

Format for Comments

This request for comments is designed to elicit views of interested parties on how the current ECIA can most effectively serve educationally disadvantaged children and foster educational improvement.

The Secretary requests that each respondent identify his or her role in elementary and secondary education. In proposing modifications or alternatives, the respondents may want to address each issue listed under Issues for Public Comment.

The Secretary urges each commenter to be specific regarding his or her suggestions and include, if possible, the data requirements, procedures, technology, delegation of responsibility, and actual legislative language changes that the commenter suggests for the ECIA programs.

Dated: June 3, 1986.
William J. Bennett,
Secretary of Education.
[FR Doc. 86-12754 Filed 6-4-86; 8:45 am]
BILLING CODE 4000-01-M

DEPARTMENT OF ENERGY

Economic Regulatory Administration

[ERA Docket No. 86-24-NG]

Carlyle Energy, Inc.; Order Granting Blanket Authorization To Import Natural Gas From Canada

AGENCY: Economic Regulatory Administration, Department of Energy.
ACTION: Notice of order granting blanket authorization to import natural gas from Canada.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) gives notice that it has issued an order granting blanket authorization to import natural gas from Canada to Carlyle Energy Inc. (Carlyle). The order issued in ERA Docket No. 86-

24-NG authorizes Carlyle to import up to 100 Bcf over a two-year period for sale in the domestic spot market.

A copy of this order is available for inspection and copying in the Natural Gas Division Docket Room, GA-076, Forrestal Building, 1000 Independence Avenue SW., Washington, DC 20585, (202) 252-9478. The Docket Room is open between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday, except holidays.

Issued in Washington, DC, May 30, 1986.
Barton R. House,

Deputy Director, Office of Fuels Programs,
Economic Regulatory Administration.

[FR Doc. 86-12693 Filed 6-4-86; 8:45 am]

BILLING CODE 6450-01-M

Federal Energy Regulatory Commission

[Docket Nos. CP86-433-000 et al.]

Southern Natural Gas Co. et al.; Natural Gas Certificate Filings

May 29, 1986.

Take notice that the following filings have been made with the Commission:

1. Southern Natural Gas Company

May 29, 1986

[Docket No. CP86-433-000]

Take notice that on April 10, 1986, Southern Natural Gas Company (Applicant), P.O. Box 2563, Birmingham, Alabama 35202-2563, filed in Docket No. CP86-433-000 an application pursuant to Section 7 of the Natural Gas Act for a limited-term certificate of public convenience and necessity authorizing the transportation of natural gas for Atlanta Gas Light Company (Atlanta) acting as agent for Georgia Kaolin Company, Inc. (Georgia Kaolin), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to transport up to 9 billion Btu of natural gas per day for Atlanta, as agent for Georgia Kaolin, on an interruptible basis, for a one-year term. It is indicated that Georgia Kaolin would purchase the gas from Sonat Exploration Company. Applicant states that it would receive the gas for the account of Georgia Kaolin at various existing points on Applicant's system in Marion County, Mississippi, and St. Mary Parish, Louisiana. Applicant proposes to redeliver equivalent volumes of gas, less 3.25 percent for fuel and company-use gas, at existing delivery points to Atlanta in Georgia.

Applicant proposes to charge Atlanta a transportation rate of 48.2 cents per million Btu where the aggregate of the

volumes transported by Applicant for Atlanta under any and all transportation agreements between Applicant and Atlanta, when added to the volumes of gas delivered under Applicant's Rate Schedule OCD, does not exceed Atlanta's daily contract demand from Applicant. For those volumes that exceed Atlanta's daily contract demand, Applicant proposes to charge 77.6 cents per million Btu. In addition Applicant proposes to collect the GRI surcharge of 1.35 cents per Mcf.

In the notice issued April 30, 1986, in Docket No. CP86-433-000, it was inadvertently stated that Applicant proposed to charge Atlanta a 34-cent take-or-pay surcharge per million Btu of gas transported for volumes for which Applicant received no credit against its take-or-pay obligations. It was stated in the notice that the proposed transportation service would increase Applicant's take-or-pay liability. However, it is stated in Applicant's application that Applicant would receive take-or-pay credit for all volumes of gas transported. It is further stated that the gas transported would be released by Applicant for resale to Georgia Kaolin and that the released gas would be subject to the pricing provisions of NGPA sections 102(c), 103 and 107. Applicant states that it would also release Section 102(d) gas subject to receipt of appropriate abandonment authorization.

Applicant also requests flexible authority to add delivery points in the event that Georgia Kaolin obtains alternative sources of supply. It is stated that the redelivery point, the recipient and the maximum daily transportation volume would remain unchanged. It is further stated that Applicant would file a report providing certain information with regard to the addition of any delivery points.

Comment date: June 16, 1986, in accordance with Standard Paragraph F at the end of this notice.

2. Southern Natural Gas Company

[Docket No. CP86-467-000]

Take notice that on April 21, 1986, Southern Natural Gas Company (Southern), P.O. Box 2563, Birmingham, Alabama 35202-2563, filed in Docket No. CP86-467-000 an application pursuant to Section 7(c) of the Natural Gas Act, for a certificate of public convenience and necessity authorizing for one year the transportation of natural gas for the City of Austell Natural Gas System (Austell), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Southern requests a limited-term certificate of public convenience and necessity authorizing it to transport gas on behalf of Austell in accordance with the terms and conditions of a transportation agreement between Austell and Southern dated April 3, 1986 (Agreement). It is said that subject to the receipt of all necessary governmental authorizations, Southern has agreed to transport, on an interruptible basis, up to 6,500 MMBtu of gas per day purchased by Austell from SNG Trading Inc. (SNG Trading). Southern requests that the Commission issue a certificate for a term expiring one year from the date of the Commission's order issuing the requested authorization.

The Agreement, it is said, provides that Austell would cause gas to be delivered to Southern for transportation at the existing various points of delivery on Southern's contiguous pipeline system as specified in Exhibit A to the Agreement. Southern states that it would redeliver to Austell at the Austell Area Delivery Point (consisting of Meter Station No. 1 located near Mile Post 445.9 on Southern's North Main Line in Douglas County, Georgia, and Meter Station No. 2 located near Mile Post 12.67 on Southern's 12-inch Marietta Branch Line in Cobb County, Georgia), an equivalent quantity of gas less 3.25 percent of such amount which shall be deemed to have been used as compressor fuel and company-use gas (including system unaccounted-for gas losses); less any and all shrinkage, fuel or loss resulting from or consumed in the processing of gas; and less Austell's *pro-rata* share of any gas delivered for Austell's account which is lost or vented for any reason.

Southern states that Austell has agreed to pay Southern each month the following transportation rate:

(a) Where the aggregate of the volumes transported and redelivered by Southern on any day to Austell under any and all transportation agreements with Southern, when added to the volumes of gas delivered under Southern's Rate Schedule OCD on such day to Austell do not exceed the daily contract demand of Austell, the transportation rate shall be 48.2 cents per MMBtu; and

(b) Where the aggregate of the volumes transported and redelivered by Southern on any day to Austell under any and all transportation agreements with Southern, when added to the volumes of gas delivered under Southern's Rate Schedule OCD on such day to Austell exceed the daily Contract Demand of Austell, the transportation rate for the excess volumes shall be 77.6 cents per MMBtu.

Southern states further that it would collect from Austell the GRI surcharge of 1.35 cents per Mcf or any such other GRI funding unit or surcharge as hereafter prescribed.

Southern also requests flexible authority to provide transportation from additional delivery points in the event Austell obtains alternative sources of supply of natural gas. The additional transportation service, it is said, would be to the same redelivery points, the same recipient, and within the same maximum daily transportation volume of gas as stated in the application. Southern indicates that it would file periodic reports providing certain information with regard to the addition of any delivery points.

Southern states that the transportation arrangement would enable Austell to diversify its natural gas supply sources and to obtain gas at competitive prices. In addition, Southern states that it would obtain take-or-pay relief on all volumes transported pursuant to the Agreement.

Comment date: June 20, 1986, in accordance with Standard Paragraph F at the end of this notice.

3. Natural Gas Pipeline Company

[Docket No. CP86-438-000]

Take notice that on April 14, 1986, Natural Gas Pipeline Company of America (Applicant), 701 East 22nd Street, P.O. Box 1208, Lombard, Illinois 60148, filed in Docket No. CP86-438-000 an application pursuant to section 7(c) of the Natural Gas Act, for a certificate of public convenience and necessity authorizing it to transport up to a maximum of 20,000 MMBtu of natural gas per day, on an interruptible basis, for Norchem, Inc. (Norchem), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant requests authority to provide an interruptible transportation service for Norchem for a period of two years from the date of first delivery and month-to-month thereafter. Applicant states that it would provide such service pursuant to the terms and conditions of a gas transportation agreement (Agreement) between Applicant and Norchem dated March 21, 1986.

According to Applicant, it would receive gas for Norchem's account at the following receipt points:

(1) the existing point of interconnection between the measurement facilities of Applicant and the pipeline facilities of Norchem's designee, Endevco Pipeline Company (Endevco), located in the Ignacio

Sanchez Survey A-509, Nacogdoches County, Texas;

(2) the existing point of interconnection between the measurement facilities of Oasis Pipeline (Oasis) and the pipeline facilities of Applicant, located in Section 29, H&TCRR Co. Survey, Blk 34, Ward County, Texas;

(3) the existing point of interconnection between the measurement facilities of Norchem's designee, Houston Pipeline Company (HPL), and the pipeline facilities of Applicant, located in Section 11, Jose Vincente Lopez de Herrera Grant A-145 Survey, Nueces County, Texas;

(4) the existing point of interconnection between the measurement facilities of Norchem's designee HPL, and the pipeline facilities of Applicant, located in the Ruebin Holbeins Subdivision of the Las Aminas Hrs. of the Felipe de la Pena Survey, Jim Hogg County, Texas;

(5) the existing point of interconnection between the measurement facilities of Applicant and the pipeline facilities of Norchem's designee, ONG Transmission Company (ONG) located in Section 6, Township 20 North, Range 18 West, Woodward County, Oklahoma;

(6) the existing point of interconnection between the measurement facilities of Applicant and the pipeline facilities of Norchem's designee, ONG, located in Section 21, Township 13 North, Range 16 West, Custer County, Oklahoma;

(7) the existing point of interconnection between the measurement facilities of Applicant and the pipeline facilities of Norchem's designee, ONG, located in Section 23, Township 1 North, Range 4 West, Stephens County, Oklahoma; and

(8) the existing point of interconnection between the measurement facilities of Applicant and the pipeline facilities of Norchem's designee, ONG, located in Section 7, Township 4 North, Range 7 West, Grady County, Oklahoma.

Applicant proposes to redeliver equivalent volumes of gas for the account of Norchem, to Interstate Power Company (Interstate) at an existing point of interconnection between Applicant and Interstate located near Hoopole, in Henry County, Illinois, for redelivery by Interstate to Norchem at Norchem's plant in Clinton County, Iowa. Applicant states that on February 11, 1986, Interstate filed a separate petition with the Commission in Docket No. CP86-316-000, requesting a declaratory order exempting it from

Commission jurisdiction for its own transportation service.

Applicant further states that it would reduce the volumes that it redelivers to Norchem by certain percentages for fuel consumed and lost, and for gas that is unaccounted for, as provided by their agreement.

Applicant proposes to charge Norchem the following transportation rates:

Point of receipt	Point of delivery	Transportation rate per MMBtu (cents)
ONG-Woodward Co., OK	Henry Co., IL	27.0
ONG-Custer Co., OK	Henry Co., IL	28.8
ONG-Stephens Co., OK	Henry Co., IL	30.32
ONG-Grady Co., OK	Henry Co., IL	30.32
Endevco-Nacog Co., TX	Henry Co., IL	30.32
Oasis-Ward Co., TX	Henry Co., IL	30.32
HPL-Nueces Co., TX	Henry Co., IL	30.32
HPL-Jim Hogg Co., TX	Henry Co., IL	30.32

Applicant also proposes to charge Norchem the currently-effective GRI surcharge.

Applicant reports that no new facilities would be required for its transportation service. Applicant requests authorization to add or delete additional receipt points in the future that may pertain to this service.

Comment date: June 20, 1986, in accordance with Standard Paragraph F at the end of this notice.

Standard Paragraphs

F. Any person desiring to be heard or make any protest with reference to said filing should on or before the comment date file with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the

Commission or its designee on this filing if no motion to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a motion for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for the applicant to appear or be represented at the hearing.

Kenneth F. Plumb,
Secretary.

[FR Doc. 86-12686 Filed 6-4-86; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER 86-514-000]

Arkansas Power & Light Co.; Filing

June 3, 1986.

Take notice that on May 28, 1986, Arkansas Power and Light Company (APL) submitted for filing the Eleventh Amendment to the Power Coordination, Interchange and Transportation Service Agreement between APL and Arkansas Electric Cooperative Corporation (AECC). The amendment provides for an increase in capacity at four delivery points, the transfer of capacity at one delivery point, the addition of two points of delivery, and the abandonment of four points of delivery.

APL requests that the Commission waive any requirements with which APL has not already complied.

Any person desiring to be heard or to protest the application should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with Rules 214 and 211 of the Commission's Rules of Practice and Procedure (18 CFR 385.214, 385.211). All such motions or protests should be filed on or before June 16, 1986. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a motion to intervene. Copies of the application are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,
Secretary.

[FR Doc. 86-12681 Filed 6-4-86; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP86-61-001]

Texas Eastern Transmission Corp.; Proposed Changes in FERC Gas Tariffs

June 3, 1986.

Take notice that Texas Eastern Transmission Corporation (Texas Eastern) on May 22, 1986, tendered for filing as part of its FERC Gas Tariff, Fourth Revised Volume No. 1, revised tariff sheets as listed in Appendix A attached hereto. According to § 381.103(b)(2)(iii) of the Commission's regulations (18 CFR 381.103(b)(2)(iii)), the date of filing is the date on which the Commission receives the appropriate filing fee, which in the instant case was not until May 29, 1986.

On March 26, 1986 Texas Eastern filed revised tariff sheets to reflect a revision to the Contract Adjustment Demand rate to incorporate actual costs of facilities in accordance with Article VI of the Offer of Settlement approved by Commission order issued August 15, 1985 in Docket No. CP84-429-001. Such filing was designated Docket No. RP86-61-000.

Texas Eastern's March 26, 1986 filing was accepted subject to conditions imposed by Commission order issued May 7, 1986 in Docket No. RP86-61-000. Ordering Paragraph (A) of the May 7, 1986 order requires Texas Eastern to refile its tariff sheets submitted March 26, 1986 within 15 days of the date of issuance of the May 7, 1986 order to reflect a 14.704 percent rate of return as set forth in Texas Eastern's general rate filing in Docket No. RP85-177, *et al.* subject to refund. Such revised tariff sheets will be subject to the outcome of Docket No. RP85-177 *et al.* and are set forth in Appendix A to this filing. In addition, Texas Eastern proposes for filing herein revised tariff sheets amending the Contract Adjustment Demand rate as set forth above on all appropriate tariff sheets filed and made effective subsequent to December 31, 1985. Such tariff sheets are also set forth in Appendix A attached hereto.

The proposed effective dates for the tariff sheets listed in Appendix A are as designated at December 31, 1985, January 1, 1986, February 1, 1986 and April 1, 1986. With the exception of the December 31, 1985 date which is the date previously approved for service to commence under the Contract Adjustment Program, all other proposed effective dates are for corresponding tariff sheets previously approved by the Commission at those dates and are submitted for filing at this time solely to reflect the required revision to the

Contract Adjustment Demand rate as discussed above.

The proposed effective dates of the subject tariff sheets are as indicated on Appendix A attached hereto.

Copies of the filing were served on Texas Eastern's jurisdictional customers and interested state commissions.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure. All such motions or protests should be filed on or before June 10, 1986. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,
Secretary.

Appendix A

Effective December 31, 1985

Second Substitute Seventy-sixth Revised Sheet No. 14

Second Substitute Seventy-sixth Revised Sheet No. 14A

Second Substitute Seventy-sixth Revised Sheet No. 14B

Second Substitute Seventy-sixth Revised Sheet No. 14C

Second Substitute Seventy-sixth Revised Sheet No. 14D

Effective January 1, 1986

Second Substitute Seventy-sixth Revised Sheet No. 14

Effective February 1, 1986

Third Substitute Seventy-seventh Revised Sheet No. 14

Second Substitute Seventy-seventh Revised Sheet No. 14A

Second Substitute Seventy-seventh Revised Sheet No. 14B

Second Substitute Seventy-seventh Revised Sheet No. 14C

Second Substitute Seventy-seventh Revised Sheet No. 14D

Effective April 1, 1986

Second Substitute Seventy-eighth Revised Sheet No. 14

Substitute Seventy-eighth Revised Sheet No. 14A

Substitute Seventy-eighth Revised Sheet No. 14B

Substitute Seventy-eighth Revised Sheet No. 14C

Substitute Seventy-eighth Revised Sheet No. 14D.

[FR Doc. 86-12684 Filed 6-4-86; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. TA86-2-17-003]

Texas Eastern Transmission Corp.; Proposed Changes in FERC Gas Tariff

June 3, 1986.

Take notice that Texas Eastern Transmission Corporation (Texas Eastern) on May 22, 1986, tendered for filing as part of its FERC Gas Tariff, Fourth Revised Volume No. 1, the following sheets:

Seventh Revised Sheet No. 110

Seventh Revised Sheet No. 111

According to § 381.103(b)(2)(iii) of the Commission's regulations (18 CFR 381.103(b)(2)(iii)), the date of filing is the date on which the Commission receives the appropriate filing fee, which in the instant case was not until May 28, 1986.

These tariff sheets are being filed in compliance with Ordering Paragraph (A) of the Commission Order issued May 7, 1986 in Docket Nos. TA86-2-17-002 and TA86-4-17-007, accepting tariff sheets subject to conditions requiring Texas Eastern to file revisions to its PGA clause (1) reflecting the adoption of the methodology required by the Commission for out-of-balance concurrent exchange transactions; (2) reflecting the effect of deferred taxes on the Account No 191 balance; and (3) clarifying that adjustments are made to the balance in Account No. 191 for the purpose of carrying charge and surcharge calculations.

Texas Eastern herewith submits for filing the above mentioned tariff sheets containing the revisions required by Commission order dated May 7, 1986 proposed to become effective on February 1, 1986, the date the Commission order issued May 7, 1986 accepted Texas Eastern's February 28, 1986 compliance filing to become effective subject to conditions.

Copies of the filing were served on Texas Eastern's jurisdictional customers and interested state commissions.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure. All such motions or protests should be filed on or before June 10, 1986. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the

Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 86-12685 Filed 6-4-86; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. TA86-2-23-002]

Eastern Shore Natural Gas Co.; Tariff Filing

June 3, 1986.

Take notice that Eastern Shore Natural Gas Company (ESNG) on May 28, 1986 tendered for filing the following proposed tariff sheets to Original Volume No. 1 of ESNG's FERC Gas Tariff:

To Be Effective May 1, 1986

Substitute 31st Revised Sheet No. 5

Substitute 31st Revised Sheet No. 6

Substitute 14th Revised Sheet No. 7

Substitute 31st Revised Sheet No. 10

Substitute 31st Revised Sheet No. 11

Substitute 31st Revised Sheet No. 12

Substitute 8th Revised Sheet No. 13

Substitute 2nd Revised Sheet No. 14

ESNG proposes to "track" Transcontinental Gas Pipe Line Corporation (Transco) rate adjustments as proposed in their amended rate filing dated May 14, 1986 in Docket No. TA86-5-29 to be effective May 1, 1986. Please refer to Appendix B, Schedule 1.

The purpose of these tariff sheets is to reflect an overall decrease of \$1.5011 per dt in the commodity charge of ESNG's CD, PS, and G-1 Rate Schedules. This decrease is the net result of a 81.31 cent per dt decrease in the current gas cost portion of the commodity rates and a 68.8 cent per dt decrease in the Deferred Adjustment. Such Deferred Adjustment is incorporated herein by reference to ESNG's PGA filing of April 4, 1986 in Docket No. TA86-2-23-000. The demand charge decrease in ESNG's CD and G-1 Rate Schedules is due to the elimination of 25% of the demand charges of Transco's Canadian supplier, Sulpetro Limited, which have been previously passed through to ESNG.

ESNG requests the instant filing to be effective May 1, 1986 and, if approved, will substitute for the rates, also proposed to be effective May 1, 1986 reflected in ESNG's PGA filing of April 4, 1986 in Docket No. TA86-2-23-000 which was accepted subject to refund by Commission order issued May 7, 1986.

ESNG states that copies of the filing have been mailed to each of its jurisdictional customers and interested State Commissions.

Any person desiring to be heard or to protest said filing should file a motion to intervene or a protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, DC 20426, in accordance with Rules 214 and 211 of the Commission's Rules of Practice and Procedure (18 CFR 385.214, 385.211). All such motions or protests should be filed on or before June 11, 1986. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,
Secretary.

[FR Doc. 86-12682 Filed 6-4-86; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP86-62-002]

Northwest Pipeline Corp.; Tariff Revisions

June 3, 1986.

Take notice that on May 28, 1986, Northwest Pipeline Corporation ("Northwest") submitted for filing, to be a part of its FERC Gas Tariff, First Revised Volume No. 1, the following tariff sheets:

Fourth Revised Sheet No. 132
First Revised Sheet No. 132-A
First Revised Sheet No. 132-B

Northwest states the purpose of the filing is to expand the language contained in section 16.11 of its General Terms And Conditions to satisfy concerns raised by the Commission in its order dated April 25, 1986 at Docket No. RP86-62-000 and to fully comply with the terms of such order.

Northwest has requested an effective date of April 28, 1986 for all tendered tariff sheets to conform to the effective date granted by the Commission in its April 25, 1986 order at the above referenced docket.

A copy of this filing has been served on all jurisdictional customers and affected state regulatory commissions and furthermore on all parties of record in Docket No. RP86-62-000.

Any persons desiring to be heard or protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE. Washington DC 20426, in accordance with Rules 211 or 214 of the Commission's Rules of Practice and Procedure. All such motions or protests should be filed on or before June 11, 1986. Protests will be

considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with Commission and are available for public inspection.

Kenneth F. Plumb,
Secretary.

[FR Doc. 86-12683 Filed 6-4-86; 8:45 am]

BILLING CODE 6717-01-M

Office of Energy Research

Magnetic Fusion Advisory Committee; Renewal

This notice is published in accordance with the provisions of § 101-6.1015 of the Interim Rule on Advisory Committee Management. Pursuant to Section 14(a)(2)(A) of the Federal Advisory Committee Act, and following consultation with the Committee Management Secretariat, General Services Administration, notice is hereby given that the Magnetic Fusion Advisory Committee has been renewed for a 2-year period ending on May 25, 1988.

The renewal of the Magnetic Fusion Advisory Committee has been determined necessary and in the public interest in connection with the performance of duties imposed upon the Department of Energy by law. The Committee will continue to operate in accordance with the provisions of the Federal Advisory Committee Act (Pub. L. No. 92-463), the Department of Energy Organization Act (Pub. L. No. 95-91), the GSA Interim Rule on Advisory Committee Management, and other relevant rules and regulations.

Further information regarding this advisory committee may be obtained from Gloria Decker (202)-252-8990.

Issued at Washington, DC, on June 2, 1986.

Charles R. Tierney,

Advisory Committee Management Officer.

[FR Doc. 86-12694 Filed 6-4-86; 8:45 am]

BILLING CODE 6450-01-M

FEDERAL EMERGENCY MANAGEMENT AGENCY

Agency Information Collection Submitted to the Office of Management and Budget for Clearance

The Federal Emergency Management Agency (FEMA) has submitted to the Office of Management and Budget the following information collection package for clearance in accordance

with the Paperwork Reduction Act (44 U.S.C. Chapter 35).

Type: New Collection

Title: Evaluation of IAFF/IAFC National Apprenticeship Program

Abstract: FEMA has funded since 1981 a national apprenticeship program for firefighters, fire medics, emergency medical technicians, and paramedics through IAFF/IAFC. The questionnaires are needed to assist in this first evaluation of the program, and will be used to solicit input from approximately 3,000 firefighters

Type of respondents: Individuals or households; State or local governments

Number of respondents 3,000

Burden hours: 750.

Copies of the above information collection request and supporting documentation can be obtained by calling or writing the FEMA Clearance Officer, Linda Shiley, (202) 646-2624, 500 C Street, SW., Washington, D.C. 20472.

Comments should be directed to Mike Weinstein, Desk Officer for FEMA, Office of Information and Regulatory Affairs, OMB, Rm. 3235, New Executive Office Building, Washington, D.C. 20503.

Dated: May 29, 1986.

Walter A. Girstantas,

Director, Administrative Support.

[FR Doc. 86-12633 Filed 6-4-86; 8:45 am]

BILLING CODE 6718-01-M

Agency Information Collection Submitted to the Office of Management and Budget for Clearance

The Federal Emergency Management Agency (FEMA) has submitted to the Office of Management and Budget the following information collection package for clearance in accordance with the Paperwork Reduction Act (44 U.S.C. Chapter 35).

Type: Extension of 3067-0127

Title: Exemption of State-Owned

Properties under Self-Insurance Plan

Abstract: Information collection enables FIA to determine whether the applying State meets the requirements for an exemption pursuant to section 102(c) of the Flood Disaster Protection Act of 1973, which enables FIA to grant a State having an adequate policy of Self-insurance for its State-owned structures an exemption from the insurance purchase requirements 1973 Act

Type of respondents: State or local governments

Number of respondents: 100

Burden hours: 100

Copies of the above information collection request and supporting documentation can be obtained by calling or writing the FEMA Clearance Officer, Linda Shiley, (202) 646-2624, 500 C. Street, SW., Washington, DC 20472.

Comments should be directed to Mike Weinstein, Desk Officer for FEMA, Office of Information and Regulatory Affairs, OMB Rm. 3235, New Executive Office Building, Washington, DC 20503.

Dated: May 29, 1986.

Walter A. Girstantas,
Director, Administrative Support.

[FR Doc. 86-12667 Filed 6-4-86; 8:45 am]

BILLING CODE 6718-01-M

Agency Information Collection Submitted to the Office of Management and Budget for Clearance

The Federal Emergency Management Agency (FEMA) has submitted to the Office of Management and Budget the following information collection package for clearance in accordance with the Paperwork Reduction Act (44 U.S.C. Chapter 35).

Type: Extension of 3067-0124.

Title: State Administrative Plan for Temporary Housing Assistance.

Abstract: Plan is required to enable the Federal Government to evaluate the State's ability to administer all or part of the Temporary Housing Assistance Program. This document supports decisions regarding State administration of a Federally-funded program.

Type of respondents: State or local governments

Number of respondents: 15

Burden Hours: 810.

Copies of the above information collection request and supporting documentation can be obtained by calling or writing the FEMA Clearance Officer, Linda Shiley, (202) 646-2624, 500 C. Street, SW., Washington, DC 20472.

Comments should be directed to Mike Weinstein, Desk Officer for FEMA, Office of Information and Regulatory Affairs, OMB Rm. 3235, New Executive Office Building, Washington, DC 20503.

Dated: May 29, 1986.

Walter A. Girstantas,
Director, Administrative Support.

[FR Doc. 86-12668 Filed 6-4-86; 8:45 am]

BILLING CODE 6718-01-M

Redelegation of Authority With Respect to the National Flood Insurance Program and the Federal Crime Insurance Program

AGENCY: Federal Emergency Management Agency, Federal Insurance Administration.

ACTION: Redelegation of authority of Federal Insurance Administrator.

FOR FURTHER INFORMATION CONTACT:

James M. Rose, Jr., Executive Assistant to the Administrator, Federal Insurance Administration, Federal Emergency Management Agency, 500 C Street, SW., Washington, D.C. 20472, telephone (202) 646-2780.

Notice is hereby given, until an Administrator is appointed, that pursuant to § 2.51 of Title 44 of the Code of Federal Regulations, Francis V. Reilly, Deputy Administrator, is hereby authorized to exercise the delegation of authority set forth at § 2.64 of Title 44 of the Code of Federal Regulations with all the powers, functions, and duties delegated or assigned to the Federal Insurance Administrator.

This delegation supersedes the delegation appearing on Tuesday, May 13, 1986 at 51 FR 17533.

EFFECTIVE DATE: This delegation and designation shall be effective as of May 29, 1986.

Julius W. Becton, Jr.,
Director.

[FR Doc. 86-12632 Filed 6-4-86; 8:45 am]

BILLING CODE 6718-03-M

FEDERAL HOME LOAN BANK BOARD

[No. AC-483]

North Land Savings and Loan Assoc.; Ashland, WI; Final Action Approval of Conversion Application

Date: June 2, 1986.

Notice is hereby given that on May 15, 1986, the Office of General Counsel of the Federal Home Loan Bank Board, acting pursuant to the authority delegated to the General Counsel or his designee, approved the application of North Land Savings and Loan Association, Ashland, Wisconsin for permission to convert to the stock form or organization. Copies of the application are available for inspection at the Secretariat of the Board, 1700 G Street, NW., Washington, DC 20552, and at the Office of the Supervisory Agent of the Federal Home Loan Bank of Chicago, 111 East Wacker Drive, Suite 800, Chicago, Illinois 60601.

By the Federal Home Loan Bank Board.

Jeff Sconyers,

Secretary.

[FR Doc. 86-12656 Filed 6-4-86; 8:45 am]

BILLING CODE 6720-01-M

FEDERAL RESERVE SYSTEM

Hooker National Bancshares, Inc., et al.; Formations of; Acquisitions by; and Mergers of Bank Holding Companies

The companies listed in this notice have applied for the Board's approval under section 3 of the Bank Holding Company Act (12 U.S.C. 1842) and § 225.14 of the Board's Regulation Y (12 CFR 225.14) to become a bank holding company or to acquire a bank or bank holding company. The factors that are considered in acting on the applications are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Each application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank or to the offices of the Board of Governors. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Unless otherwise noted, comments regarding each of these applications must be received not later than June 27, 1986.

A. Federal Reserve Bank of Kansas City (Thomas M. Hoenig, Vice President) 925 Grand Avenue, Kansas City, Missouri 64198:

1. *Hooker National Bancshares, Inc.*, Hooker, Oklahoma; to become a bank holding company by acquiring 100 percent of the voting shares of First National Bank, Hooker, Oklahoma.

B. Federal Reserve Bank of Dallas (Anthony J. Montelaro, Vice President) 400 South Akard Street, Dallas, Texas 75222:

1. *Newell Bancshares, Inc.*, Wells, Texas; to become a bank holding company by acquiring 100 percent of the voting shares of First State Bank, Wells, Texas.

Board of Governors of the Federal Reserve System, May 30, 1986.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 86-12617 Filed 6-4-86; 8:45 am]

BILLING CODE 6210-01-M

**Winter Park Bancshares, Inc.;
Formation of, Acquisition by,
or Merger of Bank Holding Companies;
and Acquisition of Nonbanking
Company**

The company listed in this notice has applied under § 225.14 of the Board's Regulation Y (12 CFR 225.14) for the Board's approval under section 3 of the Bank Holding Company Act (12 U.S.C. 1842) to become a bank holding company or to acquire voting securities of a bank or bank holding company. The listed company has also applied under § 225.23(a)(2) of Regulation Y (12 CFR 225.23(a)(2)) for the Board's approval under section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.21(a) of Regulation Y (12 CFR 225.21(a)) to acquire or control voting securities or assets of a company engaged in a nonbanking activity that is listed in § 225.25 of Regulation Y as closely related to banking and permissible for bank holding companies, or to engage in such an activity. Unless otherwise noted, these activities will be conducted throughout the United States.

The application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

Comments regarding the application must be received at the Reserve Bank

indicated or the offices of the Board of Governors not later than June 27, 1986.

A. Federal Reserve Bank of Minneapolis (Bruce J. Hedblom, Vice President) 250 Marquette Avenue, Minneapolis, Minnesota 55480:

1. *Winter Park Bancshares, Inc.*, Park Falls, Wisconsin; to acquire 100 percent of the voting shares of Voyageur Development Corporation, Park Falls, Wisconsin, and thereby indirectly acquire Park Falls State Bank, Park Falls, Wisconsin, and Chippewa Valley Agency, Ltd., Winter, Wisconsin.

Applicant has also applied to acquire Chippewa Valley Agency, Ltd. Winter, Wisconsin, and thereby engage in general insurance agency activities in a town with a population of less than 5,000 pursuant to § 225.25(b)(8)(ii) of the Board's Regulation Y. These activities will be conducted in Sawyer County, Wisconsin.

Board of Governors of the Federal Reserve System, May 30, 1986.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 86-12618 Filed 6-4-86; 8:45 am]

BILLING CODE 6210-01-M

FEDERAL TRADE COMMISSION

**Granting of Request for Early
Termination of the Waiting Period
Under the Premerger Notification
Rules**

Section 7A of the Clayton Act, 15 U.S.C. 18a, as added by Title II of the Hart-Scott-Rodino Antitrust Improvements Act of 1976, requires persons contemplating certain mergers or acquisitions to give the Federal Trade Commission and the Assistant Attorney General advance notice and to wait designated periods before consummation of such plans. Section 7A(b)(2) of the Act permits the agencies, in individual cases, to terminate this waiting period prior to its expiration and requires that notice of this action be published in the *Federal Register*.

The following transactions were granted early termination of the waiting period provided by law and the premerger notification rules. The grants were made by the Federal Trade Commission and the Assistant Attorney General for the Antitrust Division of the Department of Justice. Neither agency intends to take any action with respect to these proposed acquisitions during the applicable waiting period:

Transaction	Waiting period terminated effective
(1) 86-0832—The Prospect Group, Inc.'s proposed acquisition of assets of Illinois Central Gulf Railroad Co., (IC Industries, UPE).	Apr. 27, 1986.
(2) 86-0964—Gerard P. Joyce's proposed acquisition of assets of Outdoor Advertising Associates, L.P.	May 1, 1986.
(3) 86-0966—Gerard P. Joyce's proposed acquisition of assets and voting securities of Metromedia's Foster and Kleiser Division, (John W. Kluge, UPE).	Do.
(4) 86-0986—The Dow Chemical Company's proposed acquisition of voting securities of Megma Power Company.	Do.
(5) 86-0998—Jonathan O. Lee's proposed acquisition of voting securities of Power Transmission Division, (Koppers Company, Inc., UPE).	Do.
(6) 86-0999—Thomas H. Lee's proposed acquisition of assets of Power Transmission Division, (Koppers Company, Inc., UPE).	Do.
(7) 86-0952—Thomas J. Stewart and Testamentary Trust under Will of Frederick R. Smith's proposed acquisition of voting securities of Pacific Gamble Robinson Co.	May 2, 1986.
(8) 86-0953—Thomas J. Stewart and Testamentary Trust under Will of Frederick R. Smith's proposed acquisition of voting securities of Pacific Gamble Robinson Co.	Do.
(9) 86-0959—Thomas J. Stewart and Testamentary Trust under Will of Frederick R. Smith's proposed acquisition of voting securities of Pacific Gamble Robinson Co.	Do.
(10) 86-0960—Thomas J. Stewart and Testamentary Trust under Will of Frederick R. Smith's proposed acquisition of voting securities of Pacific Gamble Robinson Co.	Do.
(11) 86-0961—Thomas J. Stewart and Testamentary Trust under Will of Frederick R. Smith's proposed acquisition of voting securities of Pacific Gamble Robinson Co.	Do.
(12) 86-0962—Thomas J. Stewart and Testamentary Trust under Will of Frederick R. Smith's proposed acquisition of voting securities of Pacific Gamble Robinson Co.	Do.
(12) 86-0972—Inland Steel Company's proposed acquisition of voting securities of J.M. Tull Industries, Inc., (Bethlehem Steel Company, UPE).	Do.
(14) 86-0927—RLC Corp.'s proposed acquisition of voting securities of Cobe Systems, Inc.	May 5, 1986.
(15) 86-0933—Kinder-Care Learning Centers, Inc.'s proposed acquisition of voting securities of P.W. Co., (Kansas City Southern Industries, Inc., UPE).	May 6, 1986.
(16) 86-0958—Ramada Inns, Inc.'s proposed acquisition of voting securities of Marie Callender Pie Shops, Inc., (Donald W. Callender, UPE).	Do.
(17) 86-0991—Nortek, Inc.'s proposed acquisition of voting securities of Universal-Rundle Corporation, (Sears, Roebuck and Co., UPE).	Do.
(18) 86-0992—Nortek, Inc.'s proposed acquisition of voting securities of Universal-Rundle Corporation, (Sears, Roebuck and Co., UPE).	Do.
(19) 86-1014—Wicks Companies, Inc.'s proposed acquisition of voting securities of Vera Imported Parts Corp.	Do.
(20) 86-0943—Cablevision Industries Limited Partnership's proposed acquisition of assets of Group W Cable, (Westinghouse Electric Corp., UPE).	May 7, 1986.
(21) 86-0946—Saatchi & Saatchi Company PLC's proposed acquisition of voting securities of Backer & Spielvogel, Inc.	Do.
(22) 86-0977—Reynolds Metals Company's proposed acquisition of assets of Non-manufacturing assets of the "Cut-Rite" wax paper business, Scott Paper Co., UPE).	Do.

Transaction	Waiting period terminated effective
(23) 86-0967—Peter J. Callahan's proposed acquisition of voting securities of John Blair and Co.	Do.
(24) 86-0988—Peter J. Callahan's proposed acquisition of voting securities of John Blair and Co.	Do.
(25) 86-0989—Peter J. Callahan's proposed acquisition of voting securities of John Blair and Co.	Do.

FOR FURTHER INFORMATION CONTACT:

Sandra M. Peay, Legal Technician,
Premerger Notification Office, Bureau of
Competition, Room 301, Federal Trade
Commission, Washington, DC 20580,
(202) 523-3894.

By direction of the Commission.

Emily H. Rock,

Secretary.

[FR Doc. 86-12655 Filed 6-4-86; 8:45 am]

BILLING CODE 6750-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Alcohol, Drug Abuse, and Mental Health Administration

Research on the Homeless With Alcohol-Related Problems

AGENCY: National Institute on Alcohol Abuse and Alcoholism, HHS.

ACTION: Issuance of a Request for Applications for Research on the Homeless with Alcohol-Related Problems.

SUMMARY: The National Institute on Alcoholism announces the availability of a Request for Applications (RFA) for Research on the Homeless with Alcohol-Related Problems. The RFA is intended to encourage investigator interest in the area of research on the homeless with alcohol-related problems. Investigators are also encouraged to study the role of alcohol in conjunction with drug and mental health problems in the homeless. These studies are expected: (1) To develop new knowledge about the homeless with alcohol-related problems and their treatment, housing and support needs; (2) to provide identification and assessment of programs related to the care and treatment of the homeless alcoholic; and (3) to identify barriers inhibiting appropriate legal, medical psychological, and social responses to their needs. Priority will be given to grant applications for support of research focused upon epidemiology, clinical and ethnographic studies including service systems and settings. Support may be requested for up to 5 years. Applications recommended for approval by the National Advisory

Council on Alcohol Abuse and Alcoholism will be considered for funding on the basis of the overall scientific and technical merit of the proposal as determined by peer review; NIAAA program needs and balance; and the availability of funds.

Receipt Date of Applications:

February 1, June 1 and October 1 of each year. Applications must be received by October 1, 1986 for FY 1987 funding.

For a Copy of the Request for Applications Contact:

The National Clearinghouse for Alcohol Information (NCALI), Box 2345, Rockville, Maryland 20852, Telephone (301) 468-2600.

Robert L. Trachtenberg,

Acting Administrator, Alcohol, Drug Abuse, and Mental Health Administration.

[FR Doc. 86-12624 Filed 6-4-86; 8:45 am]

BILLING CODE 4160-20-M

Food and Drug Administration

[Docket No. 85N-0083(DES 5731); Formerly Docket No. FDC-D-696]

Deprol Tablets; Hearing

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Commissioner of Food and Drugs is granting a hearing on the proposal to withdraw approval of the new drug application for Deprol Tablets containing meprobamate and benactyzine. The drug's major use has been in the treatment of depression and associated anxiety.

DATES: Notices of participation shall be filed with the Dockets Management Branch no later than July 7, 1986. Disclosure of data and information and submission of narrative statement by FDA's Center for Drugs and Biologics by July 21, 1986, and by other participants by August 19, 1986. Prehearing conference on September 25, 1986, at 10:00 a.m.

ADDRESSES: Written notices of participation, disclosures, and statements to the Dockets Management Branch (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857. Submissions should be identified with the above docket number and clearly labeled "Deprol Hearing." Prehearing conference in the FDA Hearing Room, Rm. 4A-35, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT:

Robert J. Rice, Jr., Division of Regulations Policy (HFC-221), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-3480.

SUPPLEMENTARY INFORMATION: In a notice published in the Federal Register of June 27, 1974 (39 FR 23291), the Director of the Bureau of Drugs (now the Center for Drugs and Biologics) issued a notice of opportunity for hearing on a proposal to withdraw approval of the new drug application for Deprol Tablets (NDA 11-226; Wallace Laboratories, Division of Carter-Wallace, Inc., P.O. Box 1, Cranberry, NJ 08512). The Director found that there were no adequate and well-controlled clinical investigations, conducted by experts qualified by scientific training and experience, meeting the requirements of section 505 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355) and 21 CFR 314.111(a)(5) (now 21 CFR 314.126) and 300.50 which provide substantial evidence of effectiveness of Deprol for its labeled indications.

In response to the notice, Wallace requested a hearing and submitted data and information in support of its request. The Commissioner has considered the material submitted and has concluded that a hearing should be held.

Two questions will be addressed at the hearing:

1. Whether there is evidence consisting of adequate and well-controlled investigations, including clinical investigations, by experts qualified by scientific training and experience to evaluate the effectiveness of Deprol Tablets; and

2. Whether, on the basis of any such adequate and well-controlled investigations, it could fairly and responsibly be concluded by experts qualified by scientific training and experience to evaluate the effectiveness of drugs and Deprol satisfies the combination policy set forth in 21 CFR 300.50 and will have the effect that it purports or is represented to have under the conditions of use prescribed, recommended, or suggested in the labeling thereof. 21 U.S.C. 355(d); 21 CFR 314.126.

The parties to the hearing will be FDA's Center for Drugs and Biologics (Center) and Wallace. Any other interested persons shall be permitted to participate in the hearing as a nonparty participant (see 21 CFR 12.89) provided that they file a notice of participation pursuant to 21 CFR 12.45(a). The presiding officer will be Administrative Law Judge Daniel J. Davidson.

Under 21 CFR 12.85, the Center would normally file with the Dockets Management Branch a narrative statement setting forth its position on the hearing issues and a summary of the types of evidence to be introduced in

support of its position in the hearing, together with copies of data and information contained in the Center's files that relate to the issues raised herein, at the time when this notice issues. I am, under 21 CFR 10.19, modifying that requirement to the extent that the Center will be granted until July 21, 1986, to make these submissions. I have concluded that this modification of this regulation in the context of this proceeding does not prejudice any participant in the hearing, serves the ends of justice, is in accordance with law, and thus is authorized by § 10.19. The modification allows the FDA to advise the parties that a hearing is pending on this matter prior to the completion by the Center of the sometimes lengthy process of complying with the requirements of § 12.85.

After it is filed, interested persons may obtain a copy of the Center's narrative statement from the Dockets Management Branch (address above). They may also examine the data on Deprol (with the exception of any data identified as confidential pursuant to 21 CFR 10.20(j)) at the Dockets Management Branch from 9:00 a.m. to 4:00 p.m., Monday through Friday.

A prehearing conference will be held at 10:00 a.m., on September 24, 1986, in the FDA Hearing Room, Rm. 4A-35, 5600 Fishers Lane, Rockville, MD 20857. The date and time of the prehearing conference may be subject to change by order of the presiding officer. Hearing participants will be notified of any such change. Others may wish to confirm the schedule for the prehearing conference by telephoning the contact person listed above shortly before the announced date. The hearing itself will also be held in the FDA hearing room on a date to be set at the prehearing conference. Written notices of participation shall be filed with the Dockets Management Branch no later than July 7, 1986. All participants are required to attend the prehearing conference and to be prepared to comply with the provisions of 21 CFR 12.92. Participants other than the Center shall disclose data and information and submit narrative statements pursuant to 21 CFR 12.85 on or before August 19, 1986. Pursuant to 21 CFR 10.20(j)(2)(ii), confidential material submitted by a participant must be segregated and clearly marked.

The hearing will be open to the public. Any participant may appear in person, or by or with counsel, or with other qualified representatives and may be heard on matters relevant to the issues under consideration.

Because this is a public hearing, it is subject to FDA's guideline concerning the policy and procedures for electronic

media coverage of public agency administrative proceedings (21 CFR Part 10, Subpart C). These procedures are primarily intended to expedite media access to FDA's public proceedings, including formal evidentiary hearings conducted pursuant to Part 12 of the agency's regulations. Under this guideline, representatives of the electronic media may be permitted, subject to certain limitations, to videotape, film, or otherwise record FDA's public administrative proceedings, including the testimony of witnesses in the proceeding. Accordingly, the parties and nonparty participants to this hearing, and all other interested persons, are directed to the guideline, as well as the Federal Register notice announcing issuance of the guideline (Apr. 13, 1984, 49 FR 14723), for a more complete explanation of the guideline's effect on this hearing.

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 505, 52 Stat. 1052 as amended (21 U.S.C. 355)) and under authority delegated to me (21 CFR 5.10), I order that a public hearing be held on the issues set out in this notice.

Dated: May 26, 1986.

Frank E. Young,

Commissioner of Food and Drugs.

[FR Doc. 86-12621 Filed 6-4-86; 8:45 am]

BILLING CODE 4160-01-M

[Docket No. 86N-0141 (Desi 12708); Formerly Docket No. FDC-D-598]

Diutensen Tablets; Hearing

AGENCY: Food and Drug Administration.
ACTION: Notice.

SUMMARY: The Commissioner of Food and Drugs is granting a hearing on the proposal to withdraw approval of the new drug application for Diutensen Tablets containing cryptenamine (as tannate salts) and methyclothiazide. The drug is used in the treatment of hypertension.

DATES: Notice of participation shall be filed with the Dockets Management Branch no later than July 7, 1986. Disclosure of data and information and submission of narrative statement by FDA's Center for Drugs and Biologics by September 3, 1986, and by other participants October 3, 1986. The date and time of the prehearing conference will be announced in a later notice.

ADDRESSES: Written notices of participation, disclosures, and statements to the Dockets Management Branch (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857. Submissions should be identified with the above

docket number and clearly labeled "Diutensen Hearing."

FOR FURTHER INFORMATION CONTACT:

Robert J. Rice, Jr., Division of Regulations Policy (HFC-221), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-3480.

SUPPLEMENTARY INFORMATION: In a notice published in the Federal Register of February 9, 1973 (38 FR 4008), the Food and Drug Administration (FDA) issued a notice of opportunity for hearing on a proposal to withdraw approval of the new drug application for Diutensen Tablets (NDA 12-708; now held by Wallace Laboratories, Division of Carter-Wallace, Inc., P.O. Box 1, Cranberry, NJ 08512). The FDA concluded that there was a lack of substantial evidence showing either that each component of the fixed combination drug contributes to the total effect claimed for the drug or that the drug was effective for its labeled indications. In response to the notice, a hearing was requested and data and information in support of the request were filed. The Commissioner has considered the material submitted and has concluded that a hearing should be held.

Two questions will be addressed at the hearing:

1. Whether there is evidence consisting of adequate and well-controlled investigations, including clinical investigations, by experts qualified by scientific training and experience to evaluate the effectiveness of Diutensen Tablets; and

2. Whether, on the basis of any such adequate and well-controlled investigations, it could fairly and responsibly be concluded by experts qualified by scientific training and experience to evaluate the effectiveness of drugs that Diutensen satisfies the combination policy set forth in 21 CFR 300.50 and will have the effect that it purports or is represented to have under the conditions of use prescribed, recommended, or suggested in the labeling thereof. 21 U.S.C. 355(d); 21 CFR 314.126.

The parties to the hearing will be FDA's Center for Drugs and Biologics (Center) and Wallace. Any other interested person shall be permitted to participate in the hearing as a nonparty participant (see 21 CFR 12.89) provided that they file a notice of participation pursuant to 21 CFR 12.45(a). The presiding officer will be Administrative Law Judge Daniel J. Davidson.

Under 21 CFR 12.85, the Center would normally file with the Dockets Management Branch a narrative

statement setting forth its position on the issues for hearing and a summary of the types of evidence to be introduced in support of its position in the hearing, together with copies of data and information contained in the Center's files that relate to the issues raised herein, at the time when this notice issues. I am, under 21 CFR 10.19, modifying that requirement to the extent that the Center will be granted until September 3, 1986, to make these submissions. I have concluded that this modification of this regulation in the context of this proceeding does not prejudice any participant in the hearing, serves the ends of justice, is in accordance with law, and thus is authorized by § 10.19. The modification allows the FDA to advise the parties that a hearing is pending on this matter prior to the completion by the Center of the sometimes lengthy process of complying with the requirements of § 12.85.

After it is filed, interested persons may obtain a copy of the Center's narrative statement from the Dockets Management Branch (address above). They may also examine the data and information on Diutensen (with the exception of any material identified as confidential pursuant to 21 CFR 10.20(j)) at the Dockets Management Branch from 9:00 a.m. to 4:00 p.m., Monday through Friday.

A prehearing conference will be held in the FDA Hearing Room, Rm. 4A-35, 5600 Fishers Lane, Rockville, MD, at a date and time to be announced in a later notice. The prehearing conference may be subject to change by order of the presiding officer. Hearing participants will be notified of any such change. Others may wish to confirm the schedule for the prehearing conference by telephoning the contact person listed above shortly before the announced date. The hearing itself will also be held in the FDA hearing room on a date to be set at the prehearing conference. Written notices of participation shall be filed with the Dockets Management Branch no later than July 7, 1986. All participants are required to attend the prehearing conference and to be prepared to comply with the provisions of 21 CFR 12.92. Participants other than the Center shall disclose data and information and submit narrative statements pursuant to 21 CFR 12.85 on or before October 3, 1986. Pursuant to 21 CFR 10.20(j)(2)(ii), confidential material submitted by a participant must be segregated and clearly marked.

The hearing will be open to the public. Any participant may appear in person, or by or with counsel, or with other

qualified representatives, and may be heard on matters relevant to the issues under consideration.

Because this is a public hearing, it is subject to FDA's guideline concerning the policy and procedures for electronic media coverage of public agency administrative proceedings (21 CFR Part 10, Subpart C). These procedures are primarily intended to expedite media access to FDA's public proceedings, including formal evidentiary hearings conducted pursuant to Part 12 of the agency's regulations. Under this guideline, representatives of the electronic media may be permitted, subject to certain limitations, to videotape, film, or otherwise record FDA's public administrative proceedings, including the testimony of witnesses in the proceeding. Accordingly, the parties and nonparty participants to this hearing, and all other interested persons, are directed to the guideline, as well as the Federal Register notice announcing issuance of the guideline (Apr. 13, 1984, 49 FR 14723), for a more complete explanation of the guideline's effect on this hearing.

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 505, 52 Stat. 1052 as amended (21 U.S.C. 355)) and under authority delegated to me (21 CFR 5.10), I order that a public hearing be held on the issues set out in this notice.

Dated: May 26, 1986.

Frank E. Young,

Commissioner of Food and Drugs.

[FR Doc. 86-12620 Filed 6-4-86; 8:45 am]

BILLING CODE 4160-01-M

Health Resources and Services Administration

Availability of Funds for Four Acquired Immune Deficiency Syndrome (AIDS) Service Demonstration Projects

AGENCY: Public Health Service, HHS.

ACTION: Notice.

SUMMARY: The Bureau of Health Care Delivery and Assistance (BHCA), Health Resources and Services Administration (HRSA) announces that Fiscal Year 1986 funds are now available for grants to projects demonstrating a comprehensive cost effective health and support system for persons with Acquired Immune Deficiency Syndrome (AIDS) and AIDS-related disorders. Grant applications are now being accepted from the four Standard Metropolitan Statistical Areas (SMSAs) with the highest concentration of AIDS cases. These SMSAs, reported by the Centers for Disease Control

(CDC) as of December 16, 1985, are: New York, San Francisco, Los Angeles, and Miami.

Funds were appropriated by Pub. L. 99-178 for this purpose under the authority of Section 301 of the Public Health Service (PHS) Act (42 U.S.C. 241).

DATE: The deadline for receipt of applications is July 22, 1986.

Applications shall be considered as meeting the deadline if they are either:

(1) Received on or before the deadline date, or

(2) Postmarked on or before the deadline date, and received in time for submission to the review group. Applicants must request a legibly dated U.S. Postal Service postmark or obtain a legibly dated receipt from a commercial carrier or U.S. Postal Service. Private metered postmarks shall not be acceptable as proof of timely mailing.

FOR FURTHER INFORMATION CONTACT:

Additional information relating to technical and program issues may be obtained from: Mr. Joseph Baldi, Division of Primary Care Services, Special Programs Branch, Bureau of Health Care Delivery and Assistance, HRSA, Room 7A-55 Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857, 301-443-5295.

Grant application kits (Standard Form 424 approved under OMB #0348-0006) and additional information regarding business, administrative or fiscal issues related to the awarding of grants under this notice may be requested from: Mr. Waddell Avery, Grants Management Branch, Bureau of Health Care Delivery and Assistance, HRSA, Room 7A-08 Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857, 301-443-1440.

The original and two (2) copies of the applications must be submitted to Mr. Avery.

SUPPLEMENTARY INFORMATION:

Program Background and Objectives

Acquired immune deficiency syndrome (AIDS), a disease complex characterized by a collapse of the body's immune system, continues to grow as a major public health problem in the United States. A retrovirus, Human T-Lymphotropic Virus Type III/Lymphadenopathy-Associated Virus (HTLV-III/LAV) is viewed as causing AIDS. It appears to be transmitted through sexual contact, use of contaminated needles, and transfusion of blood or blood products from persons who are infected with the AIDS virus. High risk groups include the following: Homosexual and bisexual men with

multiple partners, abusers of intravenous drugs, heterosexual contacts of someone with AIDS, persons with hemophilia, and infants born to mothers infected with the AIDS virus.

Through April 21, 1986, 19,818 AIDS cases were reported to the CDC, of which 10,408 have resulted in death. It is equally disturbing that of the approximately 1,000,000 people estimated to be positive for the AIDS virus, perhaps 200,000 people may develop AIDS-Related Complex (ARC) and an unknown number of those who test positive (best estimates range from 4 to 34 percent) will develop AIDS. ARC is an often debilitating syndrome of persistent node swelling, fever, weight loss, and multiple complications that occasionally prove fatal without progressing to AIDS as formally defined by CDC.

The cost of providing the full range of services to AIDS patients for the duration of their illness is very high. Hospital costs alone for each AIDS patient in the United States are estimated to be about \$147,000. However, hospital costs vary greatly from city to city, with the lowest reported in San Francisco. The high average cost appears related to the high cost of providing in-patient hospital care. Moreover, it is generally recognized that the largest access problem for AIDS patients is the limited availability of ambulatory and community-based, out-of-hospital services.

Purpose

The AIDS Service Demonstration Program is intended to address the service delivery aspects of the AIDS problem. Specifically, it is intended to demonstrate the most cost effective ways of providing treatment and support for patients with AIDS in the four SMSAs with the highest concentration of persons with AIDS. It is generally recognized that there is a need for development of more innovative, alternative approaches to managing patients with AIDS, which emphasize service delivery in outpatient and community settings and reduce the amount of time spent in hospital settings. The service demonstration projects to be carried out under Section 301 of the PHS Act are intended to serve as models for other communities with significant numbers of persons with AIDS.

Availability of Funds

HRSA intends to make available approximately \$15 million to be expended by grantees over a 3-year period to support AIDS Service

Demonstration Program projects in the 4 SMSAs reporting the largest number of AIDS cases as of the date of the enactment of Public Law 99-178. As noted below, Public Law 99-178 was enacted on December 12, 1985, but CDC statistics as of December 16, 1985 were used as that was the closest reporting date to December 12. Only one grant award will be made in each of the 4 SMSAs. Initially \$13 million will be targeted as follows:

SMSA	Number of AIDS cases reported to CDC as of Dec. 16, 1985 ¹	Percent of total AIDS cases in the 4 SMSAs	Funds targeted
New York	5012	58.7	\$6,822,200
San Francisco	1721	20.2	2,741,200
Los Angeles	1308	15.3	2,221,800
Miami	498	5.8	1,214,800

¹ Statistics reported to the CDC as of 12/16/85 are those reported closest to the 12/12/85 date Public Law 99-178 went into effect.

Funds will be targeted as a result of allotting a \$600,000 base figure to each SMSA and then distributing the remainder of funds based on the percent distribution of AIDS cases by SMSA.¹ The remaining funds will be held in reserve to potentially support the provision of additional services and assess the effectiveness of the 4 service demonstration grant projects. It is anticipated that the grants will be awarded for one 3-year period.

Collaboration/Coordination With Other AIDS Programs

To the maximum extent possible, HRSA's AIDS Service Demonstration Program grantees will be expected to work closely with the Robert Wood Johnson Foundation, which is the sponsor of another new AIDS program entitled the AIDS Health Services Program. Both the Foundation and HRSA grant programs share the same basic thrust—to support the establishment of specialized comprehensive AIDS health and supportive service demonstration projects. Both emphasize the development of community-based, out-of-hospital services. The primary objective of both programs is to provide more effective, compassionate care at reduced costs. Grantees supported by HRSA will be expected, to the extent possible, to coordinate their projects with other Federal, State and local programs addressing AIDS and ARC concerns, including, but not limited to, the public education and prevention programs administered by the Centers

¹ See Appendix A.

for Disease Control, and the drug clinical trial studies conducted by the National Institutes of Health.

Eligible Applicants

All public and private entities, non-profit and for-profit, located in and providing services in the 4 SMSAs named above, are eligible to apply for these grant awards. Eligible entities include but are not limited to, public or private hospitals, local health departments, or consortia of health care and community organization which can develop a comprehensive AIDS services demonstration project.

The Review and Evaluation Criteria

Grant applications will be reviewed and rated by an objected review committee according to the applicant's ability to demonstrate the most cost effective ways of providing treatment and support to the largest number of AIDS and ARC patients within the four SMSAs cited above. More detailed information on the review and evaluation criteria may be found in the grant application kit.

Allowable Costs

A successful applicant under this notice must spend funds it receives according to the approved application and budget, the authorizing legislation, terms and conditions of the grant award, the regulations of the Department applicable to grants, and the applicable cost principles of OMB circulars specified for nonprofit grantees, in subpart Q of 45 CFR Part 74, and, for for-profit grantee, in subpart AA of 45 CFR Part 74 and the applicable cost principles described in 45 CFR Part 74.175.

Reporting Requirements

A successful applicant under this notice will submit reports in accordance with the provisions of the general regulation which apply under 45 CFR Part 74, Subpart J—Monitoring and Reporting of Program Performance.

The program for Acquired Immune Deficiency Syndrome (AIDS) Service Demonstration Projects has been determined to be a program which is subject to the provisions of Executive Order 12372 concerning intergovernmental review of Federal programs, as implemented by 45 CFR Part 100. Executive Order 12372 allows States the option of setting up a system for reviewing applications from within their States for assistance under certain Federal programs. The application packaged to be made available under this notice (Standards Form No. 424

Approved Under OMB 0348-0006) will contain a listing of States which have chosen to set up such a review system and will provide a point of contact in the States for the review. Since States are allowed 60 days for this review, applicants are advised to discuss projects with, and provide copies of their applications to State contact points as early as possible. At the latest, an applicant should provide the application to the State for review at the same time it is submitted to the regional office.

The OMB Catalogue of Federal Domestic Assistance number for the Acquired Immune Deficiency Syndrome Service Demonstration Project is Number 13.113

Dated: May 6, 1986.

John H. Kelso,
Acting Administrator.

APPENDIX A.—STANDARD METROPOLITAN STATISTICAL AREAS ELIGIBLE FOR FUNDS UNDER THE AIDS SERVICE DEMONSTRATION PROGRAM

SMSA	Cities and counties included in the SMSA
1. New York, N.Y.-N.J.	That part of the area in NY: New York City, Bronx County, Kings County, New York County, Putnam County, Queens County, Richmond County, Rockland County, Westchester County. That part of the area in NJ: Bergen County, San Francisco City, Oakland City, Alameda County, Contra Costa County, Marin County, San Francisco County, San Mateo County.
2. San Francisco-Oakland, CA.	Los Angeles City, Long Beach City, Los Angeles County.
3. Los Angeles-Long Beach, CA.	Miami City, Dade County.
4. Miami, FL	

[FR Doc. 86-12732 Filed 6-4-86; 8:45 am]

BILLING CODE 4160-15-M

Public Health Service

Announcement of Availability of Grants for General Family Planning Training Projects; Correction

AGENCY: Office of Family Planning, OPA, PHS.

ACTION: Notice; Correction.

SUMMARY: This document corrects a misstatement of a grant award criterion contained in the Announcement of Availability of Grants for General Family Planning Training Projects

published on April 25, 1986 (51 FR 15696).

ADDRESS: Application kits may be obtained from and applications must be submitted to: Grants Management Office, Office of Population Affairs, Room 736E, HHH Building, 200 Independence Avenue SW., Washington, D.C. 20201.

DATE: Applications must be postmarked or received by close of business June 24, 1986.

FOR FURTHER INFORMATION CONTACT: Grants Management Office at area code 202/245-0146 or Program Office at area code 202/245-0151.

SUPPLEMENTARY INFORMATION: On April 25, 1986, the Office of Population Affairs announced the availability of funds for training grants under sec. 1003 of the Public Health Service Act, for family planning training projects. The notice stated that—

In making grant award decisions the Deputy Assistant Secretary for Population Affairs (DASPA) will take into consideration such factors as the following:

7. Where competing projects are of approximately equal quality and only one grant can be funded, priority will be given to grantees not previously funded by OPA.

51 FR 15697, second column. This is to advise that Item 7 is changed to read as follows:

7. Where competing projects are of approximately equal quality and only one grant can be funded, priority will be given to offerors who will maintain or expand the diversity of experience and approaches of grantees within the Title X training program.

Dated: May 29, 1986.

Jo Ann Gasper,
Deputy Assistant Secretary for Population Affairs.

[FR Doc. 86-12678 Filed 6-4-86; 8:45 am]

BILLING CODE 4160-17-M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

Elko District (Nevada) Advisory Council; Meeting

In accordance with Pub. L. 92-463, the Federal Advisory Committee Act, notice is hereby given that the BLM Elko District Advisory Council will meet at 7:00 a.m. on June 30, 1986, at the new Elko District Office at 3900 East Idaho Street, Elko, Nevada.

The meeting will be a tour during which time the West Cherry Creek Allotment Management Plan will be discussed and the following aspects of the plan visited: The Paris Seeding Project, wildlife improvement projects, riparian areas, and various range improvements such as fencing and water developments.

The public is invited to attend, but must supply their own transportation. Anyone wishing to make a statement to the Council may do so, however, they should contact the District Manager, BLM, Elko District, P.O. Box 831, Elko, Nevada 89801, or call 702-739-4071 no later than June 23, 1986, so that arrangements for the time may be made.

Summary minutes of the meeting will be prepared and available for public inspection or reproduction during regular business hours within 30 days following the meeting.

Rodney Harris,
District Manager.

[FR Doc. 86-12639 Filed 6-4-86; 8:45 am]

BILLING CODE 4310-HC-M

[A-22068]

Lease of Public Land; Arizona

AGENCY: Bureau of Land Management (BLM), Interior.

ACTION: Lease of Public Land Under the Recreation and Public Purposes (R&PP) Act.

SUMMARY: The Arizona State Parks Department proposes to develop an archeological theme park along the Little Colorado River near Winslow, Navajo County on the following described 80 acres of public land:

G&SR Meridian, Arizona

T. 19 N., R. 16 E., sec. 20, E½NE¼.

The land has been examined and found suitable for classification for recreation and public purposes under the provisions of the Recreation and Public Purposes (R&PP) Act of June 14, 1926, as amended (44 Stat. 741; 43 U.S.C. 869; 869-4).

Classification of this land under the provisions of the R&PP Act segregates it on the date of publication in the **Federal Register** from all appropriations including location under the mining laws, but not from applications under the mineral leasing laws or the R&PP Act.

For a period of forty-five (45) days, interested parties may submit comments to the District Manager, Phoenix District Office, 2015 West Deer Valley Road, Phoenix, Arizona 85027.

Dated: May 27, 1986.

Marlyn V. Jones,
District Manager.

[FR Doc. 86-12638 Filed 6-4-86; 8:45 am]

BILLING CODE 4310-32-M

[I-21338]

Exchange of Public and Private Lands, Cassia County, ID

The United States has issued an exchange conveyance document to Michael, Douglas, and Willard Cranney Jr., of Oakley, Idaho 83346, for the following-described lands under Section of the Federal Land Policy and Management Act of 1976:

Boise Meridian, Idaho

T. 13 S., R. 21 E.,
sec. 4, E½SE¼.

Comprising 80.00 acres of public land.

In exchange for these lands, the United States acquired the following-described lands:

Boise Meridian, Idaho

T. 13 S., Rs. 20 and 21 E.,
Beginning at corner No. 1 from which the west ¼ corner sec. 30, T. 13 S., R. 21 E., bears N. 0°11' E., 6.07 chs. distant.

From the initial point by metes and bounds:

N. 28°43' E., 48.13 chs to corner No. 2;
S. 75°07' E., 16.90 chs to corner No. 3;
S. 32°19' W., 64.45 chs to corner No. 4;
N. 59°19' W., 5.86 chs to corner No. 5;
N. 59°19' E., 6.51 chs to corner No. 6;
N. 28°43' E., 11.71 chs to corner No. 1, the place of beginning.

Comprising 88.88 acres of private land.

The purpose of the exchange was to acquire the non-Federal land which has high public value for recreation and wildlife habitat. The public interest was well served through completion of this exchange.

The values of the Federal public land and the non-Federal land in the exchange were both appraised at the equal value of \$12,400.00.

Dated: May 22, 1986.

Jimmie Buxton,
Acting Deputy State Director for Operations.
[FR Doc. 86-12637 Filed 6-4-86; 8:45 am]
BILLING CODE 4310-GG-M

[CA 17632]

Direct Sale of Public Land—San Diego County, CA

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of realty action—Direct sale of public land: San Diego County, California.

SUMMARY: The following described public land has been examined and found suitable for disposal by direct sale at the appraised market value of \$48,000.00 pursuant to Sections 203 and 209 of the Federal Land Policy and Management Act of October 21, 1976 (90 Stat. 2750, 2757; 43 U.S.C. 1713, 1719). The land will not be offered for sale until 60 days after the date of this notice.

Parcel serial No.	Legal description	Acres	Appraised value
CA 17632	T. 17S., R. 6E., SBM; Sec. 26: W½SW¼..	80.00 ac ±	\$48,000

Purpose

The purpose of this direct sale is to dispose of a parcel of public land which became of location, lack of administrative access and small size, makes it difficult and uneconomic to manage as part of the public land and not suitable for management by another Federal agency. The public interest will be well served by offering this land for sale to the existing grazing lessee, Don Lee, Incorporated.

Publication of this notice in the Federal Register segregates the public land from the operation of the public land laws and the mining laws. The segregative effect shall terminate upon issuance of a patent or 270 days from the date of publication, whichever occurs first.

The land described above has no known mineral values. Conveyance of the mineral interests will occur simultaneously with the sale of the land. Acceptance of a direct sale offer will constitute an application for conveyance of mineral interest, and a \$50.00 nonrefundable filing fee must be paid as required by Sec. 209 of the Act of October 21, 1976 (43 U.S.C. 1719).

A certified check, postal money order, bank draft or cashier's check, made payable to the Department of the Interior, BLM, for not less than \$4,800.00 shall be received at the place of sale—California Desert District, 1695 Spruce Street, Riverside, California 92507, by 10:00 a.m. on the sale date. The payment

will be enclosed in a sealed envelope clearly marked as follows: "Public Land Sale—Direct", Parcel No. CA 17632, August 6, 1986.

The remainder of the full purchase price (\$43,200.00) shall be submitted 180 days from the sale date. Failure to submit the balance of this full purchase price within the above specified time period shall result in cancellation of the sale and the deposit shall be forfeited.

The terms and conditions applicable to the sale are: The patent will reserve to the United States a right-of-way for ditches or canals constructed by the authority of the United States. Act of August 30, 1890 (43 U.S.C. 945).

Detailed information concerning the sale, including the environmental assessment/land report are available for review at the California Desert District Office, 1695 Spruce Street, Riverside, California 92507.

For a period of 45 days from the date of publication of this notice in the Federal Register, interested parties may submit comments to the District Manager at the above address. Objections will be reviewed by the State Director who may sustain, vacate, or modify this realty action. In the absence of any objections, this realty action will become the final determination of the Department of the Interior.

Dated: May 30, 1986.

Wes Chambers,
Acting District Manager.

[FR Doc. 86-12647 Filed 6-4-86; 8:45 am]
BILLING CODE 4310-40-M

Request for OMB Extension of Approval of Use of Permit Fee Envelope

AGENCY: Bureau of Land Management, Interior.

ACTION: Information collection submitted to the Office of Management and Budget under the Paperwork Reduction Act.

SUMMARY: The proposal for the collection of information listed below has been submitted to the Office of Management and Budget for extension of approval under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35). Copies of the proposed collection of information and related forms and explanatory material may be obtained by contacting the Bureau of Land Management's clearance officer at the phone number listed below. Comments and suggestions on the requirement should be made within 30 days directly to the Bureau of Land Management's clearance officer and to

the Office of Management and Budget
Interior Department Desk Officer,
Washington, D.C. 20503, telephone 202-
395-7340.

Title: Permit Fee Envelope, 36 CFR
Part 71.

Abstract: Respondents supply
identifying information and data on the
campsite number, dates camping,
number in party, zip code, fee paid,
vehicle license number, and primary
purpose of visit. This information allows
the Bureau of Land Management to
determine if all users have paid the
required fee, the number of users, and
their state of origin.

Bureau Form Number: 1370-36.

Frequency: Whenever someone
wishes to camp in a campground where
fees are collected.

Description of Respondents:
Individuals desiring to use the
campground.

Annual Responses: 42,300.

Annual Burden Hours: 2,115.

Bureau clearance officer: Rebecca
Daughtery, (202) 653-8853.

Dated: March 31, 1986.

Vincent J. Hecker,

Acting Assistant Director for Land Resources.

[FR Doc. 86-12636 Filed 6-4-86; 8:45 am]

BILLING CODE 4310-84-M

Minerals Management Service

Royalty Management Advisory Committee, Gas Valuation Regulations Review Working Panel; Meeting

AGENCY: Minerals Management Service
(MMS), Interior.

ACTION: Notice of meeting.

SUMMARY: The Minerals Management
Service (MMS), Royalty Management
Program, hereby gives notice that the
Gas Valuation Regulations Review
Working Panel, established by the
Royalty Management Advisory
Committee, will meet in Lakewood,
Colorado, at the location and on the
dates indicated below.

On February 5, 1986, MMS published
an advance notice of proposed
rulemaking in the Federal Register
making available for public comment
draft regulations pertaining to the
valuation of gas and associated
products as well as gas processing
allowances and transportation
allowances. All public comments will be
made available to the Royalty
Management Advisory Committee and
the Gas Valuation Regulations Review
Working Panel. The Panel will review
the draft regulations and make
recommendations as to necessary
clarifications and revisions.

Location and dates: The Gas
Valuation Regulations Review Working
Panel will meet at the Sheraton Inn
Hotel, 360 Union Boulevard, Lakewood,
Colorado, June 12 and 13, 1986.

The Panel will meet from 8 a.m. to 5
p.m. daily.

The public is invited to attend these
meetings and make oral or written
comments. A time will be set aside by
the Panel chairperson during which the
public will be invited to make oral
comments. Written comments should be
submitted by June 27, 1986, to the
address listed below.

FOR FURTHER INFORMATION CONTACT:

Vernon B. Ingraham, Minerals
Management Service, Royalty
Management Program, Office of
External Affairs, Denver Federal Center,
Building 85, P.O. Box 25165, Mail Stop
660, Denver, Colorado 80225, telephone
number (303) 231-3360, (FTS) 326-3360.

SUPPLEMENTARY INFORMATION: The Gas
Valuation Regulations Review Working
Panel is one of six working panels
established by the Royalty Management
Advisory Committee. The panels are
composed of both Advisory Committee
members and non-Committee members,
and were established to provide the
Advisory Committee with analyses of
specific issues and proposed
recommendations. Panel
recommendations will be reviewed by
the Advisory Committee, which will
then decide what advice and
recommendations to give to the
Department of the Interior (DOI) and the
MMS. Although the panels may meet
with DOI or MMS staff members to
obtain information they require in
conducting their analyses, advice and
recommendations of the panels will be
made to the Advisory Committee and
not to the DOI or the MMS.

Dated: May 28, 1986.

William D. Bettenberg,

Director, Minerals Management Service.

[FR Doc. 86-12672 Filed 6-4-86; 8:45 am]

BILLING CODE 4310-MR-M

Royalty Management Advisory Committee, Oil Valuation Regulations Review Working Panel; Meeting

AGENCY: Minerals Management Service
(MMS), Interior.

ACTION: Notice of meeting.

SUMMARY: The Minerals Management
Service (MMS), Royalty Management
Program, hereby gives notice that the
Oil Valuation Regulations Review
Working Panel, established by the
Royalty Management Advisory
Committee, will meet in Lakewood,

Colorado, at the location and on the
dates indicated below.

On February 5, 1986, MMS published
an advance notice of proposed
rulemaking in the Federal Register
making available for public comment
draft regulations pertaining to the
valuation of oil and transportation
allowances. All public comments will be
made available to the Royalty
Management Advisory Committee and
the Oil Valuation Regulations Review
Working Panel. The Panel will review
the draft regulations and make
recommendations as to necessary
clarifications and revisions.

Location and Dates: The Oil Valuation
Regulations Review Working Panel will
meet at the Denver Federal Center,
Building 85, Auditorium, June 10, 11, and
12, 1986.

The Panel will meet from 8 a.m. to 5
p.m. daily.

The public is invited to attend these
meetings and make oral or written
comments. A time will be set aside by
the Panel chairperson during which the
public will be invited to make oral
comments. Written comments should be
submitted by June 26, 1986, to the
address listed below.

FOR FURTHER INFORMATION CONTACT:

Vernon B. Ingraham, Minerals
Management Service, Royalty
Management Program, Office of
External Affairs, Denver Federal Center,
Building 85, P.O. Box 25165, Mail Stop
660, Denver, Colorado 80225, telephone
number (303) 231-3360, (FTS) 326-3360.

SUPPLEMENTARY INFORMATION: The Oil
Valuation Regulations Review Working
Panel is one of six working panels
established by the Royalty Management
Advisory Committee. The panels are
composed of both Advisory Committee
members and non-Committee members,
and were established to provide the
Advisory Committee with analyses of
specific issues and proposed
recommendations. Panel
recommendations will be reviewed by
the Advisory Committee, which will
then decide what advice and
recommendations to give to the
Department of the Interior (DOI) and the
MMS. Although the panels may meet
with DOI or MMS staff members to
obtain information they require in
conducting their analyses, advice and
recommendations of the panels will be
made to the Advisory Committee and
not to the DOI or the MMS.

Dated: May 28, 1986.

William D. Bettenberg,

Director, Minerals Management Service.

[FR Doc. 86-12673 Filed 6-4-86; 8:45 am]

BILLING CODE 4310-MR-M

INTERNATIONAL TRADE COMMISSION

[Investigation No. 731-TA-335 (Preliminary)]

Import Investigations; Tubeless Steel Disc Wheels From Brazil

AGENCY: International Trade Commission.

ACTION: Institution of a preliminary antidumping investigation and scheduling of a conference to be held in connection with the investigation.

SUMMARY: The Commission gives notice of the institution of preliminary antidumping investigation No. 731-TA-335 (Preliminary) under section 733(a) of the Tariff Act of 1930 (19 U.S.C. 1673b(a)) to determine whether there is a reasonable indication that an industry in the United States is materially injured, or is threatened with material injury, or the establishment of an industry in the United States is materially retarded, by reason of imports from Brazil of tubeless steel disc wheels,¹ provided for in item 692.32 of the Tariff Schedules of the United States, which are alleged to be sold in the United States at less than fair value. As provided in section 733(a), the Commission must complete a preliminary antidumping investigation in 45 days, or in this case by July 7, 1986.

For further information concerning the conduct of this investigation and rules of general application, consult the Commission's Rules of Practice and Procedure, Part 207, Subparts A and B (19 CFR Part 207), and Part 201, Subparts A through E (19 CFR Part 201).

EFFECTIVE DATE: May 23, 1986.

FOR FURTHER INFORMATION CONTACT: Bruce Cates (202-523-0369), Office of Investigations, U.S. International Trade Commission, 701 E Street NW., Washington, DC 20436. Hearing-impaired individuals are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on 202-724-0002.

SUPPLEMENTARY INFORMATION:

Background

This investigation is being instituted in response to a petition filed on May 23, 1986 by the Budd Company, Troy, Michigan.

¹ Such wheels are designed to be mounted with pneumatic tires and are suitable for use on class 6, 7, and 8 trucks, including tractors, and for use on semi-trailers.

Participation in the investigation

Persons wishing to participate in this investigation as parties must file an entry of appearance with the Secretary to the Commission, as provided in § 201.11 of the Commission's rules (19 CFR 201.11), not later than seven (7) days after publication of this notice in the *Federal Register*. Any entry of appearance filed after this date will be referred to the Chairwoman, who will determine whether to accept the late entry for good cause shown by the person desiring to file the entry.

Service list

Pursuant to § 201.11(d) of the Commission's rules (19 CFR 201.11(d)), the Secretary will prepare a service list containing the names and addresses of all persons, or their representatives, who are parties to this investigation upon the expiration of the period for filing entries of appearance. In accordance with §§ 201.16(c) and 207.3 of the rules (19 CFR 201.16(c) and 207.3), each document filed by a party to the investigation must be served on all other parties to the investigation (as identified by the service list), and a certificate of service must accompany the document. The Secretary will not accept a document for filing without a certificate of service.

Conference

The Director of Operations of the Commission has scheduled a conference in connection with this investigation for 10:00 a.m. on June 16, 1986, at the U.S. International Trade Commission Building, 701 E Street NW., Washington, DC. Parties wishing to participate in the conference should contact Bruce Cates (202-523-0369) not later than June 12, 1986, to arrange for their appearance. Parties in support of the imposition of antidumping duties in this investigation and parties in opposition to the imposition of such duties will each be collectively allocated one hour within which to make an oral presentation at the conference.

Written submissions

Any person may submit to the Commission on or before June 18, 1986, a written statement of information pertinent to the subject of the investigation, as provided in § 207.15 of the Commission's rules (19 CFR 207.15). A signed original and fourteen (14) copies of each submission must be filed with the Secretary to the Commission in accordance with § 201.8 of the rules (19 CFR 201.8). All written submissions except for confidential business data will be available for public inspection during regular business hours (8:45 a.m.

to 5:15 p.m.) in the Office of the Secretary to the Commission.

Any business information for which confidential treatment is desired must be submitted separately. The envelope and all pages of such submissions must be clearly labeled "confidential Business Information." Confidential submissions and requests for confidential treatment must conform with the requirements of § 201.6 of the Commission's rules (19 CFR 201.6).

Authority: This investigation is being conducted under authority of the Tariff Act of 1930, title VII. This notice is published pursuant to § 207.12 of the Commission's rules (19 CFR 207.12).

Issued: June 2, 1986.

By order of the Commission.

Kenneth R. Mason,
Secretary.

[FR Doc. 86-12697 Filed 6-4-86; 8:45 am]
BILLING CODE 7020-02-M

INTERSTATE COMMERCE COMMISSION

[Docket No. AB-19 (Sub-112)]

Baltimore & Ohio Railroad Co. et al.; Abandonment of the Georgetown Subdivision Rail Line Between Montgomery County, MD and Georgetown, District of Columbia

AGENCY: Interstate Commerce Commission.

ACTION: Notice of intent to prepare an environmental impact statement and to hold a public scoping meeting.

SUMMARY: The Interstate Commerce Commission has directed that an environmental impact statement be prepared for the above-referenced proceeding in which three railroads seek a license authorizing abandonment of the Georgetown Subdivision rail line. A preliminary scope of study is proposed within. Written comments are invited. An informal public scoping meeting also is planned.

DATE: A scoping meeting will be held on June 18, and, if necessary June 19, 1986, beginning at 7 p.m. in Hearing Room A of the Interstate Commerce Commission, 12th and Constitution Avenue NW., Washington, DC. All written comments on the scope of study must be received by July 3, 1986 at the address given below to be considered in development of the final scope of study.

ADDRESS: Interstate Commerce Commission, Section of Energy and Environment, Room 3115, Washington, DC 20423.

FOR FURTHER INFORMATION CONTACT:
Robert Maestro, (202) 275-7918.

SUPPLEMENTARY INFORMATION: On April 9, 1986, the Baltimore and Ohio Railroad Co., Metropolitan Southern Railroad Co., and Washington and Western Maryland Railway Co. filed an application with the Interstate Commerce Commission (ICC) seeking a license authorizing abandonment of the Georgetown Subdivision rail line, which extends from Georgetown Junction, through Bethesda, Maryland to its terminus in Georgetown, District of Columbia. Upon abandonment, rail operations will cease, rails, ties and bridges will be salvaged, and other use(s) will be made of the right-of-way. Additionally, coal, previously delivered by rail to a GSA heating plant in Georgetown, will move by truck from a transloading facility near the intersection of Kenilworth Avenue and Route 50, westward along New York Avenue and K Street to the heating plant.

Two documents have been prepared by the ICC's Section of Energy and Environment on the proposed abandonment. A report initiating compliance with Section 106 of the National Historic Preservation Act (NHPA) provided an initial identification of historical and archeological resources present along the rail line and proposed coal truck route and requested comments to assist us in fulfilling compliance with Section 106.¹ On May 15, 1986, the ICC served an environmental assessment which concluded that abandonment may result in significant effects on the human environment, including historical and archeological resources; that information for a satisfactory evaluation was incomplete and inconclusive; and that an EIS was required and recommended. Copies of either document are available upon request at the address given above.

We are approaching the development of a scope of study for the draft environmental impact statement (EIS) by defining the impact-producing actions that would occur as a result of abandonment, the components of the human environment that would be affected, the nature of effect, and the degree of effect. The first three items included in this approach have been identified in our environmental assessment served on May 15, 1986 and are listed below. Also included are

alternatives to the proposed action as well as measures designed to avoid or reduce adverse impacts. We are also integrating the Section 106 National Historic Preservation Act process into the environmental impact statement process.

I. Salvage Operations

- A. effect on archeological resources
- B. eligibility of bridges and the rail line for listing in the *National Register of Historic Places*
- C. effects on rare or endangered species
- D. effects on aquatic ecosystems
- E. effect on the Georgetown Historic District

II. Alternative Uses of the Right-of-Way

- A. conflicts with objectives of Federal, state, regional and local land use plans, policies and controls
- B. effects on the C&O National Historic Park
- C. effects on archeological and historical resources within and adjacent to the right-of-way
- D. effects on wildlife habitats and aquatic ecosystems
- E. effects on adjacent land uses

III. Truck Transport of Coal

- A. effects of vibrations and air emissions on adjacent historical structures
- B. effects of noise, vibrations and air emissions on adjacent residential and commercial areas
- C. effects on traffic congestion and safety

IV. Possible Alternatives to the Proposed Action

- A. the Commission denying a grant of abandonment authority (the no action alternative)
- B. the Commission granting only discontinuance of operations
- C. mitigation, including alternate truck routes, restrictions on time of day truck movements, supplementing the heating plant's demand with other interconnected GSA heating plants, heavier reliance on oil and/or natural gas at the GSA heating plant and delivery of coal by barge.

We invite input from interested individuals, organizations, and agencies to help us identify additional items that should be considered as part of each area of investigation identified above. We also request assistance in defining the appropriate level of analysis for each component of the human environment that may be affected.

Any individual, organization, or agency who wishes to make a presentation at the informal public scoping meeting must call Robert

Maestro [(202) 275-7918] by June 13, 1986 for scheduling purposes. It would be extremely helpful if common concerns or interests were expressed by a single spokesperson. Written comments are also welcomed and should be submitted by or before July 3, 1986. Oral presentations are not a prerequisite to filing written comments. A final scope of study will be prepared, published in the *Federal Register* and served on all parties to the proceeding.

Anyone wishing to receive copies of the final scope, the draft EIS and all other documentation served by the ICC on this proceeding (including decisions) should call the Office of the Secretary at (202) 275-7999 and request placement on the service list as an "advise of proceedings" party for docket number AB-19 (Sub-No. 112). Those individuals who intend to participate more actively and wish, additionally, to receive all documentation submitted by all parties to the proceeding must submit a written request to the same office for listing as a "party of record".

James H. Bayne,
Secretary.

[FR Doc. 86-12642 Filed 6-4-86; 8:45 am]
BILLING CODE 7035-01-M

[Docket No. 30786 (Sub-1)]

Missouri Pacific Railroad Co.; Construction and Operation Exemption; Ogden and San Antonio, TX

AGENCY: Interstate Commerce Commission.

ACTION: Notice of exemption.

SUMMARY: The Interstate Commerce Commission, under 49 U.S.C. 10505, exempts from the requirements of 49 U.S.C. 10901, the construction and operation of two connecting tracks totaling 4,207 feet at Ogden and San Antonio, TX, by Missouri Pacific Railroad Company.

DATES: The decision is effective on June 16, 1986. Petitions to reopen must be filed by June 25, 1986.

ADDRESSES: Send pleadings referring to Finance Docket No. 30786 (Sub-No. 1) to:

- (1) Office of the Secretary, Case Control Branch, Interstate Commerce Commission, Washington, DC 20423
- (2) Railroad's representative: Jeanna L. Regier, Missouri Pacific Railroad Company, 1416 Dodge Street, Omaha, NE 68179.

FOR FURTHER INFORMATION CONTACT:
Donald J. Shaw, Jr., (202) 275-7245.

¹ Section 106 of NHPA (16 U.S.C. 470f) requires that, prior to issuing any license, the Federal licensing agency must evaluate the effects of the licensed undertaking on any district, site, building, structure or object that is listed or found eligible for listing in the *National Register of Historic Places*.

SUPPLEMENTARY INFORMATION:

Additional information is contained in the Commission's decision. To purchase a copy of the full decision, write to T.S. InfoSystems, Inc., Room 2229, Interstate Commerce Commission Building, Washington, DC 20423, or call 289-4357 (DC Metropolitan area) or toll free (800) 424-5403.

Decided: May 27, 1986.

By the Commission, Chairman Gradison, Vice Chairman Simmons, Commissioners Sterrett, Andre, and Lamboley.

James H. Bayne,
Secretary.

[FR Doc. 86-12644 Filed 6-4-86; 8:45 am]

BILLING CODE 7035-01-M

Motor Carrier Applications To Consolidate, Merge or Acquire Control

The following applications seek approval to consolidate, purchase, merge, or lease operating rights and properties, or acquire control of motor carriers pursuant to 49 U.S.C. 11343 or 11344. Also, applications directly related to these motor finance applications (such as conversions, gateway eliminations, and securities issuances) may be involved.

The applications are governed by 49 CFR 1182.1.

Persons wishing to oppose an application must follow the rules under 49 CFR 1182.2. If the protest includes a request for oral hearing, the request shall meet the requirements of 49 CFR 1182.3 and shall include the required certification. Failure seasonably to oppose will be construed as a waiver of opposition and participation in the proceeding.

In the absence of legally sufficient protests as to the finance application or to any application directly related thereto filed within 45 days of publication (or, if the application later becomes unopposed), appropriate authority will be issued to each applicant (unless the application involves impediments) upon compliance with certain requirements which will be set forth in a notification of effectiveness of this decision-notice.

Applicant(s) must comply with all conditions set forth in the grant or grants of authority within the time period specified in the notice of effectiveness of this decision-notice, or the application of a non-complying applicant shall stand denied. Findings:

The findings for these applications are set forth at 49 CFR 1182.6.

MC-F-17437, filed April 23, 1986. Tri-State Coach Lines, Inc. (Tri-State) (2101 West 37th Avenue, Gary, IN 46408)—Purchase—Evansville & Ohio Valley

Transportation Company, Inc. (Evansville) (1420 N. Stockwell Road, Evansville, IN 47715). Representative: Robert B. Walker, Sims, Walker & Steinfield, P.C., 1275 K Street, NW, Suite 875, Washington, DC 20005. Tri-State (MC-129038), seeks authority to purchase the operating authority of Evansville contained in certificate No. MC-39305, which authorizes the transportation of passengers between (1) Evansville, IN, and Mt. Vernon, IN, over Indiana Hwy. 62, (2) Evansville, IN, and Henderson, KY, over U.S. Hwy. 41, (3) Grand View, IL, and Cannelton, IN, over Indiana Hwy. 66, (4) Evansville, IN, and Grand View, IN, over Indiana Hwy. 66, and (5) the junction of Indiana Hwys. 66 and 75 and Owensboro, KY, over Indiana Hwy. 75 and the Owensboro Bridge; serving all intermediate points along routes (1), (2), (3) and (5), and the intermediate points of Rockport, Hatfield, Yankeetown, and Newburg, IN, along route (4). All routes include incidental charter rights. Tri-State, a motor passenger carrier, is owned by John and Margaret Shoup, who also control Cardinal Buses, Inc. (Cardinal) (MC-187339), and Shoup Buses, Inc. d/b/a Cardinal Charter Tours (SBI) (MC-70384), both motor passenger carriers. The Shoup's control of Tri-State, Cardinal, and SBI was approved in Nos. MC-F-12459 and MC-F-16639.

Decided: May 29, 1986.

By the Commission, Motor Carrier Board, Members Barry, Johnson, and Metz (Board Member Metz not participating).

James H. Bayne,
Secretary.

[FR Doc. 86-12643 Filed 6-4-86; 8:45 am]

BILLING CODE 7035-01-M

[Docket No. AB-12 (Sub-105)]

Southern Pacific Transportation Co., Abandonment; Jefferson and Orleans Parish, LA; Findings

The Commission has found that the public convenience and necessity permit Southern Pacific Transportation Company to abandon its 2.177-mile line between Algiers (milepost 1.327) and Gretna (milepost 3.504) in Jefferson and Orleans Parish, LA.

A certificate will be issued authorizing this abandonment unless within 10 days after this publication the Commission also finds that: (1) A financially responsible person has offered assistance (through subsidy or purchase) to enable the rail service to be continued; and (2) it is likely that assistance would fully compensate the railroad.

Any financial assistance offer must be filed with the Commission and the applicant no later than 10 days from publication of this Notice. The following notation must be typed in bold face on the lower left-hand corner of the envelope containing the offer: "Rail Section, AB-OFA". Any offer previously made must be remade within this 10-day period.

Information and procedures regarding financial assistance for continued rail service are contained in 49 U.S.C. 10905 and 49 CFR 1152.27.

By the Commission, Division 1, Commissioners Sterrett, Gradison, and Lamboley. Commissioner Lamboley dissented in part with a separate expression.

James H. Bayne,
Secretary.

[FR Doc. 86-12692 Filed 6-4-86; 8:46 am]

BILLING CODE 7035-01-M

[Ex Parte No. 393 (Sub-No. 1)]

Standards for Railroad Revenue Adequacy; Decision To Expand Scope of Proceeding

AGENCY: Interstate Commerce Commission.

ACTION: Notice of decision expanding the scope of the proceeding.

SUMMARY: The Commission is expanding the scope of this proceeding to include a broad reexamination of the manner in which we presently measure and determine revenue adequacy, including our use of a current cost of capital return on investment as the sole standard for revenue adequacy. This proceeding was originally instituted to refine and improve the existing standard, adopted in Ex Parte No. 393, *Standards for Railroad Revenue Adequacy*, 364 I.C.C. 803 (1981). However, the Commission has become increasingly concerned that the annual revenue adequacy determinations made under this standard may not have provided an accurate representation of the financial condition of the railroad industry. See Ex Parte No. 463, *Railroad Revenue Adequacy—1984*. Determination (unpublished decision served May 5, 1986). Thus, it seeks public comment and assistance to enable the Commission to make more accurate railroad revenue adequacy findings in the future.

The Commission's decision discusses (but takes no action on) the previous proposals for refining its existing measure. It also discusses several other possible refinements, including use of depreciation accounting for road and

track structures, use of embedded cost of debt, and different treatment of deferred tax reserves as well as other possible standards for measuring revenue adequacy.

DATES: Notice of intent to participate shall be submitted to the Commission by June 16, 1986. A service list will then be prepared and served on all parties. Comments are due by August 4, 1986. Reply comments will be due by September 3, 1986. A Commission voting conference deciding the case will be scheduled for a date within 30 days of the close of the record.

ADDRESSES: Send the notice of intent to participate and an original and 15 copies of comments and replies to: Office of the Secretary, Case Control Branch, Interstate Commerce Commission, Washington, DC 20423.

FOR FURTHER INFORMATION CONTACT: Ward L. Ginn, Jr., (202) 275-7489.

SUPPLEMENTARY INFORMATION: Additional information is contained in the Commission's decision. To purchase a copy of the full decision, write to T.S. Infosystems, Inc., Room 2229, Interstate Commerce Commission Building, Washington, DC 20423; or call 289-4357 (D.C. Metropolitan area) or toll free (800) 424-5403.

This action will not significantly affect either the quality of the human environment or energy conservation. Nor will it have a significant economic impact on a substantial number of small entities.

Authority: 49 U.S.C. 10704(a).

Decided: May 30, 1986.

By the Commission, Chairman Gradison, Vice Chairman Simmons, Commissioners Sterrett, Andre, and Lamboley. Vice Chairman Simmons commented with a separate expression. Commissioner Andre was absent and did not participate in this proceeding.

James H. Bayne,

Secretary.

[FR Doc. 86-12727 Filed 6-4-86; 8:45 am]

BILLING CODE 7035-01-M

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

Quotas for Controlled Substances in Schedule II

AGENCY: Drug Enforcement Administration, Justice.

ACTION: Notice of Established 1986 Aggregate Production Quotas.

SUMMARY: This notice establishes 1986 aggregate production quotas for phencyclidine and 1-piperidinocyclohexanecarbonitrile.

DATE: This order is effective June 5, 1986.

FOR FURTHER INFORMATION CONTACT: Howard McClain, Jr., Chief, Drug Control Section, Drug Enforcement Administration, 1405 I Street, NW., Washington, D.C. 20537, Telephone: (202) 633-1366.

SUPPLEMENTARY INFORMATION: Section 306 of the Controlled Substances Act (21 U.S. Code, Section 826) requires the Attorney General to establish aggregate production quotas for all controlled substances in Schedules I and II each year. This responsibility has been delegated to the Administrator of the Drug Enforcement Administration pursuant to § 0.100 of Title 28 of the Code of Federal Regulations.

On April 14, 1986, a notice proposing aggregate production quotas for phencyclidine and 1-piperidinocyclohexanecarbonitrile was published in the Federal Register (51 FR 12660). All interested persons were invited to comment on or object to the proposal on or before May 14, 1986. No comments or objections were received.

Pursuant to sections 3(c)(3) and 3(e)(2)(C) of Executive Order 12291, the Director of the Office of Management and Budget has been consulted with respect to these proceedings.

The Administrator hereby certifies that this matter will have no significant impact upon small entities within the meaning and intent of the Regulatory Flexibility Act, 5 U.S. Code 601, et seq. The establishment of annual aggregate production quotas for Schedules I and II controlled substances is mandated by law and by the international commitments of the United States. Such quotas impact predominantly upon major manufacturers of the affected controlled substances.

Therefore, under the authority vested in the Attorney General by section 306 of the Controlled Substances Act of 1970 (21 U.S. Code, Section 826) and delegated to the Administrator of the Drug Enforcement Administration by § 0.100 of Title 28 of the Code of Federal Regulations, the Administrator hereby orders that the 1986 aggregate production quotas for phencyclidine and 1-piperidinocyclohexanecarbonitrile, expressed in grams of anhydrous base, be established as follows:

Basic class	1986 aggregate production quotas
Schedule II:	
Phencyclidine.....	10
1-piperidinocyclohexanecarbonitrile.....	35

Dated: May 28, 1986.

John C. Lawn,

Administrator, Drug Enforcement Administration.

[FR Doc. 86-12661 Filed 6-4-86; 8:45 am]

BILLING CODE 4410-09-M

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice 86-40]

Performance Review Board; Senior Executive Service; Membership

AGENCY: National Aeronautics and Space Administration.

ACTION: Notice of membership of SES Performance Review Board.

SUMMARY: The Civil Service Reform Act of 1978, Pub. L. 95-454 (Section 405) requires that appointments of individual members to a Performance Review Board be published in the Federal Register.

The performance review function of the Senior Executive Service in the National Aeronautics and Space Administration is being performed by the NASA Performance Review Board and the NASA Senior Executive Committee. The latter performs this function for senior executives who report directly to the Administrator or the Deputy Administrator. The following individuals have been serving on the Committee and the Board as of March 1, 1986:

Senior Executive Committee

William R. Graham, Chairperson

Ann P. Bradley

C. Robert Nysmith

Thomas P. Murphy, Assistant Chief Administrative Officer, Prince

George's County Government, Maryland

Performance Review Board

Ann P. Bradley, Chairperson

Carl E. Grant, Executive Secretary

Dale L. Compton (Term expires February 1988)

Louis B. DeAngelis (Term expires November 1986)

Edward A. Frankle (Indefinite Term)

Robert C. Goetz (Term expires February 1988)

John M. Klineberg (Term expires July 1986)

John J. Quann (Term expires November 1986)

Robert Rosen (Term expires November 1989)

Jeffrey D. Rosendhal (Term expires November 1988)

Richard J. Wisniewski (Term expires February 1988)

Thomas N. Tate, Special Assistant to the Chairman, Committee on Science and Technology, House of Representatives (Indefinite Term)

James C. Fletcher,
Administrator.

[FR Doc. 86-12613 Filed 6-4-86; 8:45 am]

BILLING CODE 7510-01-M

NATIONAL FOUNDATION ON THE ARTS AND HUMANITIES

Expansion Arts Advisory Panel; Meeting; Correction

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), notice is hereby given that a meeting of the Expansion Arts Advisory Panel (Overview Section) to the National Council on the Arts that was to be held on June 16-17, 1986, from 9:00 a.m.-5:30 p.m. in room 714 of the Nancy Hanks Center, 1100 Pennsylvania Avenue, NW., Washington, D.C. 20506 has been changed. This meeting will now be held on June 17 only, from 9:00 a.m.-5:30 p.m. in room 714 of the Nancy Hanks Center, 1100 Pennsylvania Avenue, NW., Washington, D.C. 20506.

This meeting will be open to the public on a space available basis. The topics for discussion will include guidelines and policy.

If you need accommodations due to a disability, please contact the Office for Special Constituencies, National Endowment for the Arts, 1100 Pennsylvania Avenue, NW, Washington DC 20506, 202/682-5532, TTY 202/682-5496 at least seven (7) days prior to the meeting.

Further information with reference to this meeting can be obtained from Mr. John H. Clark, Advisory Committee Management Officer, National Endowment for the Arts, Washington, DC 20506, or call 202/682-5433.

John H. Clark,

Director, Office of Council and Panel Operations, National Endowment for the Arts,
May 29, 1986.

[FR Doc. 86-12626 Filed 6-4-86; 8:45 am]

BILLING CODE 7535-01-M

NUCLEAR REGULATORY COMMISSION

Documents Containing Reporting or Recordkeeping Requirements; Office of Management and Budget Review

AGENCY: Nuclear Regulatory Commission.

ACTION: Notice of the Office of Management and Budget review of information collection.

SUMMARY: The Nuclear Regulatory Commission has recently submitted to the Office of Management and Budget (OMB) for review the following proposal for the collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35).

1. Type of submission, new, revision or extension: Extension.
2. The title of the information collection: NRC Form 313M, "Application for Materials License—Medical".
3. The form number if applicable: NRC Form 313M.
4. How often the collection is required: For an initial license and for renewals every five years.
5. Who will be required or asked to report: Applicants for a specific license to possess and use byproduct material in humans.
6. An estimate of the number of responses: 600.
7. An estimate of the total number of hours needed to complete the requirement or request: 12,000.
8. An indication of whether section 3504(h), Pub. L. 96-511 applies: Not applicable.
9. Abstract: Applications for specific licenses to possess and use byproduct material in humans are filed on NRC Form 313M. Information submitted on the form is used to evaluate the applicant's experience, training, facilities and procedures for adequacy of protection of the public health and safety.

Copies of the submittal may be inspected or obtained for a fee from the NRC Public Document Room, 1717 H Street, NW., Washington, DC 20555.

Comments and questions should be directed to the OMB reviewer, Jefferson B. Hill, (202) 395-7340.

The NRC Clearance Officer is R. Stephen Scott, (301) 492-8585.

Dated at Bethesda, Maryland, this 29th day of May 1986.

For the Nuclear Regulatory Commission.

Patricia G. Norry,

Director, Office of Administration.

[FR Doc. 86-12695 Filed 6-4-86; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-346-ML; ASLBP No. 86-525-01-ML]

Toledo Edison Co. et al.; Memorandum and Order and Designating Matters To Be Addressed at Hearing

May 29, 1986.

Before Helen F. Hoyt, Administrative Judge.

Preliminary Matters

This proceeding involves the approval by the United States Nuclear Regulatory Commission (Commission) of a request by the Toledo Edison Company (Toledo Edison or Licensee) for authorization under 10 CFR § 20.302(a) to dispose of byproduct material on the site of its Davis-Besse Nuclear Power Station, Unit 1. The materials in question are radioactively contaminated resins from the plant's secondary system demineralizer. On October 9, 1985, the NRC Staff published in the *Federal Register* an "Environmental Assessment and Finding of No Significant Impact" relating to Toledo Edison's request (50 FR 41265), and by letter dated October 15, 1985, approved the Licensee's request for disposal authorization. After the approval of the Licensee's request, various groups petitioned the Commission asking the Commission to rescind approval of Toledo Edison's disposal authorization request. The Commission on February 20, 1986 issued an order instituting an informal hearing in this matter and the undersigned was appointed presiding officer of February 25, 1986 by the Chief Administrative Judge, Atomic Safety and Licensing Board Panel.

The action approved by the Commission is for the periodic disposal of low level-radioactive dredgings from the onsite settling basins onto land owned by Toledo Edison. It is the Licensee's intention to continue the current practice of transferring each year approximately 1,000 cubic feet of radioactively contaminated secondary-side clean up resins and about 5,000 cubic feet of non-radioactive wastes from the water treatment facility to onsite settling basins. About six times over the remaining operating life of the facility, i.e. about once every five years, the settling basins will be dredged and the removed material will be disposed of on land at a minimum thickness of two feet, covered with four inches of clean soil and seeded.

The Commission order of February 20, 1986 determined that interested persons should be afforded a hearing under section 189a of the Atomic Energy Act,

42 U.S.C. 2239(a). The Commission noted that its decision in *Kerr McGee Corp.* (West Chicago Rare Earths Facility), CLI-82-2, 15 NRC 232 (1982), aff'd, *City of West Chicago v. NRC*, 701 F.2d 632 (7th Cir. 1983), had indicated that there was no entitlement to a formal trial-type hearing under either the Atomic Energy Act or NRC regulations with regard to materials licensing actions. Neither the hearing requests of the various groups or individuals nor any other information caused the Commission to exercise its discretion and grant a formal hearing under the "public interest" standard of 10 CFR §§ 2.140(a) and 2.105(a)(7).

In accordance with the Commission order of February 20, 1986 in regard to the conduct of this informal proceeding, a *Memorandum and Order* (Notice of Informal Hearing and Opportunity to Become a Party) dated March 10, 1986 was issued by me in which I invited petitions to intervene and set out the procedures to be followed in considering the proposed disposal of by-product material at Davis-Besse. By this order the following petitions to intervene are granted based upon findings that each of the named petitioners has demonstrated standing to intervene as governed by 10 CFR 2.714(d) and existing agency precedents regarding this section:

State of Ohio—Petition for leave to Intervene (submitted by Anthony J. Celebrezze, Jr., Attorney General of Ohio) filed April 14, 1986.

Toledo Coalition For Safe Energy and Susan A. Carter—filed November 6, 1985.

Western Reserve Alliance—November 10, 1985; May 13, 1986 and May 20, 1986.

Save Our State From Nuclear Waste, Consumers League of Ohio, Arnold Gleisser and Genevieve S. Cook—filed April 11, 1986.

In the conduct of this oral hearing, I hereby designate as lead intervenor. The State of Ohio, to facilitate an orderly presentation of intervenors' interests and as lead counsel for party intervenors, the Assistant Attorney General of Ohio, Jack A. Van Kley; Edward Lynch or Sharon Sigler (whose Notices of Appearance have been made on this record) will conduct the intervenor's presentations and question witnesses presented by the Licensee with the assistance of counsel or representatives of the other party participants.

Petitions to intervene from elected representatives, municipalities and others have been considered as well as the Licensee's statements concerning the standing to intervene of the individuals, organizations or governmental bodies. In reaching the decision to deny these

petitions to intervene and the connotation that party participation has even in an informal proceeding, I have decided to provide each of these petitioners with an opportunity to make a sworn statement on this record of not more than ten minutes or to submit their written arguments pertaining to the questions raised by me below. These sworn statements, oral or written, will be considered by me along with other testimony given by the parties but will not be subject to cross-examination. The order of presentation below will establish time for these presentations. Notice of intent to submit the sworn testimony or statement will be given *three days* in advance of this informal hearing date.

Name of petitioner	Date of petition	Why petition denied
City of Ashtabula, Ohio.	April 15, 1986	Lacks standing as to 10 CFR 2.714(d) because it does not demonstrate injury; the town is 120 miles from Davis-Besse site. Distance precludes § 2.715(c) standing.
Lakewood, Ohio.	April 10, 1986	Lacks standing because of distance from site.
Citizens for land and water use.	April 11, 1986	Fails to identify interest of any kind to qualify for standing, or particular deficiencies in method of disposal.
George Zatroch.	April 8, 1986	Petitioner alleges no injury; fails to demonstrate standing; and has not identified any issue.

Matters Within the Scope of Proceeding to be Addressed at the Hearing

The following matters are those concerns which I find are not clearly enunciated in the documents related to the Commission's action in this matter:

1. What final location on the Davis-Besse site has been selected for waste burial?
2. What will be the dimensions of the waste burial site in its final configuration (after 30 years)?
3. Is the waste burial site located within the bounds of Navarre Marsh? Provide a description of the location of the burial site relative to the Marsh.
4. What is the observed flooding frequency at the waste burial site?
5. What soil erosion from storms has been actually observed at or near the disposal site?
6. What is the direction of groundwater flow from the burial site relating to Lake Erie, Navarre Marsh, and the Toussaint River?

7. What is the depth to bedrock of unconsolidated glacial deposits at the burial site?

8. What is the average depth and upper and lower range of the water table at the disposal site?

9. What endangered species of plant or animal have been actually observed on the Davis-Besse site? What critical habitats for endangered species exist on the Davis-Besse site?

10. What will be the total radionuclide inventory of the burial site after 30 years of operation under expected levels of resin contamination?

11. What is the estimated dose to an individual standing on covered basin dredgings after 30 years of operation under expected levels of resin contamination?

12. What criteria will be used to decide whether resins will be buried on site or transported to a licensed burial site in the event that resins become contaminated at higher than expected levels (from steam generator tube leaks or ruptures, for example)?

13. What is the estimated upper limit of radionuclide inventory that could exist on site after 30 years under the above criteria?

14. What is the estimated upper limit of dose to the whole body for an individual standing on the burial site that could exist after 30 years under the above criteria?

15. Why has SR-90 not been included in the licensees' assessments?

16. What would be the total estimated whole body dose equivalent for an individual through the food ingestion pathway that could result from the final 30-year inventory of radionuclides including Sr-90? Provide estimates for expected levels and upper limits of radionuclide inventory after 30 years.

17. What are the principal chemical components of the non radioactive sludge that are mixed with radioactively contaminated resins?

18. What is the rate of biological or chemical degradation of resins?

19. What biological hazards are there from resin degradation that have been published in the scientific literature or are known from manufacturers' tests?

20. Describe the licensees' plans for site management during operation, for marking the burial site, and for recordkeeping at the burial site.

Hearing Procedure

Prior to the hearing, I will tour Toledo Edison's proposed waste disposal burial site at Davis-Besse. One representative of each of the admitted parties may accompany me.

The burial site tour is scheduled for June 23, 1986 at 2:00 p.m. The parties should report to the Visitor's Center at the Toledo Edison Davis-Besse site.

I have indicated in my March 10, 1986 Order and with this Order that the hearing will be informal. Although it was not my intention to permit cross-examination by the parties, I find that questions on the issues designated for hearing may better be phrased by the lead intervenor or the Licensee without the need to screen each question. Where a need is perceived by the parties, a request may be submitted for permission to present brief supplemental testimony designated to respond to another party's testimony. The following order of presentation is established:

June 19, 1986—Prefiled direct testimony of witnesses by Licensee and admitted intervenors due for filing and exchanged among the parties. Testimony will be limited to those issues described in the section of this Order titled Matters to be Addressed at the Hearing.

June 23, 1986—Tour of proposed low level waste site on Davis-Besse (2:00 p.m.).

June 24, 1986 through June 25, 1986—9:30 a.m. Hearing begins. Order of presentation of witnesses is as follows: Licensee's witnesses or panels will complete direct testimony. Questioning by counsel for lead intervenor will follow immediately. Licensee's counsel will be permitted rebuttal questions limited to matters disclosed through lead intervenor's questions. Lead intervenor will present direct testimony on the issue and Licensee's counsel will be permitted to question these witnesses. Lead intervenor's counsel will be permitted rebuttal questions limited to matters disclosed through questioning by Licensee's counsel.

June 25, 1986—7:00 p.m.—10:00 p.m. General Public-oral limited appearance statements for persons not a party or who have not submitted Petitions to Intervene. Each statement will deal with the position of the individual on those issues described in the section of this Order titled Matters to be Addressed at the Hearing. Statement will be limited to 5 minutes. Persons wishing to make an oral limited appearance statement may register with a designated representative at any time during these 3 days of oral hearings.

June 26, 1986—9:30 a.m. Sworn statements for those individuals or organizations who had submitted Petitions to Intervene but whose petitions were denied. These individuals will be limited to 10 minutes. When these statements are completed, the

hearing will continue with the five minute limited appearance statements described above. The hearing will remain open until 5:00 p.m. when the record will be closed.

Limited appearance statements have been received from organizations and individuals described in Appendix to this Memorandum and Order. It is not necessary that those persons submit additional oral or written statements. Persons wishing to submit a written statement may do so by addressing it to U.S. Nuclear Regulatory, Office of the Secretary, Docketing and Services Branch, Attention: Docket No. 50-346-ML, 1717 H Street, NW., Washington, DC 20555.

Hearing Location

The location for the hearing is Sandusky High school, 2130 Hayes Avenue, Sandusky, Ohio.

For the Atomic Safety and Licensing Board.

Dated at Bethesda, Maryland, this 29th day of May, 1986.

Helen F. Hoyt,

Administrative Judge.

Appendix

Comments have been received from the following and are placed in Docket No. 50-346-ML in *Limited Appearance Section*.

City of Brook Park, Ohio—May 6, 1986—Resolution No. 19-1986 Opposing Application of Toledo Edison Co. for Permission to Bury Radioactive Sludge at its Davis-Besse Nuclear Power Station, and Declaring an Emergency.

City of Mentor, Ohio—December 17, 1985—Resolution 85-R-134—Resolution Requesting NRC to Rescind Approval for Disposal of Radioactive Waste at Davis-Besse Plant Site.

City of Euclid, Ohio—January 21, 1986—Resolution No. 10-1986—Expressing Opposition to City of Euclid Council to Application of Toledo Edison Co. for Permission to Bury Radioactive Sludge at its Davis-Besse Nuclear Power Station.

City of Mayfield Village, Ohio—February 17, 1986—Resolution 86-8 Opposing to Application of Toledo Edison Co. for Permission to Bury Radioactive Sludge at its Davis-Besse Nuclear Power Station.

City of Willowick, Ohio—April 15, 1986—Resolution No. 86-11 Expressing Opposition by Council of the City of to Application of Toledo Edison Co. for Permission to Bury Radioactive Sludge at its Davis-Besse Nuclear Power Station.

City of Rocky River, Ohio—April 17, 1986—Amended Resolution No. 29-86 Emergency Resolution Urging the

Governor of State of Ohio to Aggressively Examine and the NRC to Hold Formal Hearings on Burial of Nuclear Waste on Site at Davis-Besse Nuclear Plant.

City of Middleburg Heights, Ohio—April 22, 1986—Resolution 1986-51 to NRC Opposing to Application of Toledo Edison Co. for Permission to Bury Radioactive Sludge at its Davis-Besse Nuclear Power Station.

City of Painesville, Ohio—April 7, 1986—Resolution Requesting NRC to Rescind Approval for Disposal of Radioactive Waste at Davis-Besse Plant Site.

League of Ohio Sportsmen and subsidiary Ohio Wildlife Federation—Edward A. Stupka, President—April 10, 1986—Resolution 86-19X Oppose Burial of Radioactive Waste On-Site at Davis-Besse Nuclear Power Station.

Dwight Wise—Ohio House of Representatives, 85th House District—May 2, 1986—Letter to Chairman Nunzio J. Palladino urging NRC to revoke its approval of Toledo Edison's application to bury low-level radioactive waste at Davis-Besse Power Plant.

Greater Cleveland Boating Association—April 9, 1986—Resolution opposing Toledo Edison Co. application to amend its license to permit burial of radioactive sludge on the power station site and unrestricted use of the land in the future.

Lawrence J. Lucas—February 1, 1986, March 2, 1986 and April 21, 1986—Letters to U.S. NRC requesting a hearing and opposing NRC giving permission to bury waste without public participation.

City of Mayfield Heights, Ohio—February 17, 1986—Resolution 1986-12 Requesting NRC to Rescind Approval for Disposal of Radioactive Waste at the Davis-Besse Plant Site.

League of Women Voters of Rocky River, Ohio—April 10, 1986—Statement objecting to process of site selection; suitability of proposed site for low-level nuclear waste disposal; and lack of environmental impact statement for Davis-Besse Power Station burial of low-level nuclear waste.

U.S. Representative Edward Feighan—April 14, 1986—19th District of Ohio, Statement-Petition to Participate.

Elbert J. Waldorf—May 17, 1986—Letter.

Al and Irene P. Kay—May 13, 1986—Letter requesting Save Our State be allowed to intervene and opposing burial of radioactive waste in area of Great Lakes.

Paul E. Dornbusch—undated letter opposing burial of radioactive waste because it may leach into ground water.

League of Women Voters Lake Erie Basin Committee—April 10, 1986—Letter from Secretary opposing burial of low-level radioactive waste at Davis-Besse.

Ohio Radioactive Materials Users Group—April 10, 1986—Letter opposing analysis of possible impacts on burial of low-level radioactive waste at Davis-Besse. Statement to be available by August 1, 1986.

Russell M. Bimber—April 5, 1986—Letter opposing burial of nuclear waste at Davis-Besse.

Intervening Statement of Councilwoman Joan Klein (Lyndhurst, Ohio Resolution No. 86-10)—February 17, 1986—Resolution Expressing Opposition to the NRC of Council of City of Lyndhurst, Ohio to Application of Toledo Edison Co. for Permission to Bury Radioactive Sludge at Davis-Besse Nuclear Power Station.

Ohio Citizens for Responsible Energy (OCRE)—November 27, 1985 and March 25, 1986 (Susan L. Hiatt)—Limits participation to limited appearance status. OCRE urges "disposal of low-level radioactive waste at properly licensed disposal site."

City of Olmstead Falls, Ohio—April 28, 1986—Resolution 63-86 Opposing the Burial of Radioactive Sludge in Lands on Davis-Besse Nuclear Power Station Near Navarre Marsh Lands Adjacent to Lake Erie and Declaring an Emergency.

City of Seven Hills, Ohio—May 12, 1986—Resolution 15-1986 to the NRC Opposing the Application of Toledo Edison Co. for Permission to Bury Radioactive Sludge at its Davis-Besse Nuclear Power Station; and Declaring an Emergency.

City of Broadview Heights—May 20, 1986—Resolution 86-45 Opposing the Application of Toledo Edison Co. for Permission to Bury Radioactive Sludge at its Davis-Besse Nuclear Power Station and Declaring an Emergency. [FR Doc. 86-12696 Filed 6-4-86; 8:45 am]

BILLING CODE 7590-01-M

RAILROAD RETIREMENT BOARD

Agency Forms Submitted for OMB Review

AGENCY: Railroad Retirement Board.

ACTION: In accordance with the Paperwork Reduction Act of 1980 (44 U.S.C. Chapter 35), the Board has submitted the following proposal(s) for the collection of information to the Office of Management and Budget for review and approval.

Summary of Proposal(s)

(1) Collection title: Investigation of Claim for Possible Days of Employment.

(2) Form(s) submitted: ID-5i, ID-5R(SUP), UI-48 and UI-54.

(3) Type of request: Revision of a currently approved collection.

(4) Frequency of use: On occasion.

(5) Respondents: Individuals or households, Businesses or other for-profit, Small businesses or organizations.

(6) Annual responses: 13,700.

(7) Annual reporting hours: 1,450.

(8) Collection description: Under the RUIA, unemployment or sickness benefits are not payable for any day in which remuneration is payable or accrues to the claimant. The collection obtain information from the claimant, claims agent, railroad and non-railroad employer about work performed during the same period as unemployment benefits are claimed.

Additional Information or Comments: Copies of the proposed forms and supporting documents can be obtained from Pauline Lohens, the agency clearance officer (312-751-4692). Comments regarding the information collection should be addressed to Pauline Lohens, Railroad Retirement Board, 844 Rush Street, Chicago, Illinois 60611 and the OMB reviewer, Judy McIntosh (202-395-6880), Office of Management and Budget, Room 3208, New Executive Office Building, Washington, D.C. 20503.

Pauline Lohens,

Director of Information and Data Management.

[FR Doc. 86-12628 Filed 6-4-86; 8:45 am]

BILLING CODE 7905-01-M

SECURITIES AND EXCHANGE COMMISSION

[Release No. IC-15113; File No. 812-6265]

Application and Opportunity for Hearing; Aetna Life Insurance and Annuity Company et al.

May 23, 1986.

Notice is hereby given that Aetna Life Insurance and Annuity Company (the "Company") and Variable Life Account B of Aetna Life Insurance and Annuity Company (the "Account B"), (collectively, "Applicants") filed an application on December 20, 1985, and an amendment thereto, on April 21, 1986, for an order of the Commission, pursuant to section 6(c) of the Investment Company Act of 1940 ("Act"), exempting Applicants and certain transactions from sections 2(a)(32), 22(c), 26(a)(2), 27(c)(1), 27(c)(2)

and 27(d) of the Act, and from Rule 6e-3(T) (b)(12), (b)(13), (c)(1), (c)(2), and (c)(4) and Rule 22c-1 thereunder, to the extent necessary to issue individual flexible premium variable life insurance contracts (the "Contracts") as defined in paragraph (c)(1) of Rule 6e-3(T) and as described in the application. All interested persons are referred to the application on file with the Commission for a statement of Applicants' representations, which are summarized below, and are referred to the Act and the rules thereunder for a statement of the relevant provisions.

Applicants state that the Company is a stock life insurance company organized under the laws of the State of Connecticut and is the sponsor-depositor for Account B, a segregated investment account of the Company registered under the Act as a unit investment trust. Applicants also state that under the Contract, net premiums are, according to the Owner's instructions, allocated between Aetna's General Account and Account B. Net premiums allocated to Account B are, in turn, allocated among its sub-accounts. Each sub-account of Account B invests exclusively in shares of a corresponding open-end management investment company: Aetna Variable Fund, Aetna Income Shares or Aetna Variable Encore Fund (the "Funds"). Applicants indicate that shares of the Funds are also sold to other separate accounts of Aetna in connection with certain variable annuity contracts. Applicants represent that net premiums allocated to the General Account earn interest at a rate determined by Aetna from time to time which will be not less than 4½%. To the extent that charges under the Contract are applicable to cash value in the General Account as well as to cash value in the Variable Account, such charges are, Applicants represent, in each instance, assessed in the same manner and computed on the same basis. Applicants state that under the Contract, the Owners can vary the frequency and amount of premium payments. Also, the death benefit may, and the cash value will, increase or decrease based upon the investment performance of amounts allocated to the subaccounts of the Account B and interest credited to the General Account. Applicants maintain that the Contracts generally allow the contractowner to increase or decrease the specified amount under the Contracts.

According to the registration statement for the Contract, which Applicants incorporate by reference into the application, at the contractowner's election, the death benefit will be either

(i) "Option 1", the greater of the specified amount or the cash value multiplied by the cash value corridor percentage required by the Internal Revenue Code, or (ii) "Option 2," the greater of the specified amount plus cash value or cash value multiplied by the cash value corridor percentage. Applicants state that optional incidental insurance benefits are available by riders to a Contract. Cash value will reflect the amount and frequency of payments, the investment experience of Account B, any partial withdrawals, any loans, and any charges and deductions under the Contracts. A Contract, Applicants assert, will remain in force, without regard to the owner making purchase payments, unless the cash value reduced by any current Surrender Charge, as described below, and any outstanding debt is insufficient to cover the periodic charges and deductions under the Contract and a grace period expires without a sufficient additional payment.

Applicants state that a general condition to the order granting the relief requested in the Application, Applicants agree that to the extent the final version of Rule 6e-3 (or any other rule adopted as the final version of Rule 6e-3(T)) imposes terms or conditions on the granting of exemptive relief of the nature requested in the Application, Applicants shall take such steps as may be necessary to comply with Rule 6e-3. Applicants assert that the relief requested in the application meets the standards of section 6(c), is well preceded, and involves technical matters and matters unforeseen when Rule 6e-3(T) was adopted.

Rule 6e-3(T)(c)(1)

Applicants request exemption from Rule 6e-3(T)(c)(1), to the extent necessary to permit, in connection with the Contracts, the allocation of net premiums, and transfer of cash value to Aetna's General Account. Although Applicants do not necessarily agree that the right under the Contracts to allocate or transfer monies to the General Account results in the Contracts not falling within the definition in Rule 6e-3(T)(c)(1), of a "flexible premium variable life insurance contract." Applicants request relief from Rule 6e-3(T)(c)(1) to resolve any question concerning their ability to rely on the rule.

Applicants state that, while Rule 6e-3(T)(c)(1) defines a "flexible premium variable life insurance contract" as a contract "funded by a separate account" and providing for a "cash value which varies to reflect the investment experience of the separate account," it

does not require that the contract be exclusively funded by such a separate account, or that the contract provide for a cash value that exclusively varies to reflect the investment experience of the separate account. Applicants assert that the Commission's use of the word "exclusively" elsewhere in Rule 6e-3(T), but not in paragraph (c)(1), suggests it did not intend to require exclusive funding by a separate account, or require cash value that varies exclusively to reflect the investment experience of a separate account. Thus, Applicants submit that the Commission intended to permit allocation of premiums, and transfer of cash value, to general accounts as well as separate accounts.

Applicants further argue that the requested relief is consistent with the Commission's administration of the Act in the context of flexible premium variable life insurance prior to and after the adoption of Rule 6e-3(T), scheduled premium variable life insurance under Rule 6e-2 under the Act, and variable annuities. Applicants recognize that it is the position of the Commission staff that any Commission order granting exemptive relief in this regard will not constitute a judgment of the Commission as to, nor will any such order extend to, the propriety or impropriety of registration or non-registration of either interests in the General Account as securities under the 1933 Act or the General Account as an investment company under the Act.

Rule 6e-3(T)(c)(2) and 6e-3(T)(c)(4)(vii)

Applicants request exemption from paragraphs (c)(2) and (c)(4)(vii) of Rule 6e-3(T) to the extent that the Greater of Monthly Deduction or Basic Premium Benefit (the "Rider") option under the Contract may not be deemed to meet the definition of "incidental insurance benefits" in that paragraph. Applicants state that the Rider provides that, in the event of disability of the insured, as defined therein, the Company will waive during the period of disability the greater of (i) the monthly cost of insurance charge, any expense charges and any rider charges or (ii) the basic premium. The monthly cost of insurance charge can vary with the investment experience of the Variable Account in certain respects. Nevertheless, Applicants argue that the benefits, i.e., the waiver of the monthly cost of insurance and rider charges, is predominantly a fixed benefit. Applicants represent that these charges are waived regardless of how much the cash value and the net amount at risk may vary. Similarly, Applicants argue that the waiver of the basic premium is

fixed insofar as the amount waived does not depend on the investment experience of Account B. Thus, Applicants submit that the Rider should be treated as "fixed" for purposes of Rule 6e-3(T).

Sections 2(a)(32), 22(c), (26)(a)(2), 27(c)(1), 27(c)(2), and 27(d) and Rules 6e-3(T)(b)(12), 6e-3(T)(b)(13)(iii), and 22c-1

Applicants request exemption from sections 2(a)(32), 22(c), 26(a)(2), 27(c)(1), 27(c)(2) and 27(d) and Rule 6e-3(T)(b)(12), (b)(13)(iii), and 22c-1 to the extent necessary to permit an administrative charge for expenses incurred in connection with the issuance of a Contract or the increase of specified amount to be deducted on a contingent deferred basis upon surrender or lapse of the Contract.

Applicants state that the Contract provides for the calculation of the amount of a contingent deferred surrender charge ("Surrender Charge") upon the issuance of the Contract and upon an increase in specified amount. Applicants represent the Surrender Charge set upon the issuance of the Contract has two elements: 30% of the charge is sales load and the remainder is a reimbursement to Aetna for administrative costs it incurs in issuing the Contract. An additional Surrender Charge is set in the event a Contract's specified amount is increased. Applicants state that the amount of the surrender charge (as set forth in surrender charge tables in the prospectus and the Contract) varies depending upon issue age, sex and smoker/non-smoker status of the insured. Applicants also maintain that the Surrender Charge calculated upon an increase in specified amount will be entirely to reimburse Aetna for administrative expenses incurred in processing the increase in the Specified Amount, and will not contain any sales load component.

Applicants state that the administrative charge component of the Surrender Charge is designed to reimburse Aetna for the cost of processing applications, or increases in specified amount, conducting medical examinations, determining insurability and the insured's risk class, and establishing or revising records relating to the Contract. Applicants represent that the Surrender Charge will be deducted only if all or part of cash value of the Contract is withdrawn, or if it lapses after a grace period. Even then no Surrender Charge will be deducted at all for Contracts that stay in force ten years after the issuance of the Contract or increase in specified amount. For each

additional full year that the Contract stays in force subsequent to the fifth anniversary of the issuance or increases, as appropriate, the charge is reduced so that it is eliminated on the tenth anniversary of, as applicable, the issuance or increase in specified amount. The charge imposed on partial surrenders is calculated on a pro rate basis.

Applicants submit that imposition of this administrative charge in the form of a contingent deferred charge, as described above, is much more favorable to the contractowner than would be a charge that is deducted entirely from premiums in the first Contract Year. First, the amount of the contractowner's investment in the Account B is not reduced as it would be if this charge were taken in full in the first Contract year. Second, the total amount charged to an contractowner is not greater than if this charge were taken in full in the first Contract year, and it is less for contractowners who do not lapse or surrender during the first five Contract years. Third, even contractowners who lapse or withdraw during the first five Contract years are benefited because the cost of insurance charges deducted monthly from the amounts credited to them in Account B will be lower than they would have been had this administrative charge for issuance expenses been deducted in full during the first year or upon an increase in specified amount. Fourth, in the event the death benefit is paid under the Contract, no such charge is deducted from the amount payable, thereby increasing the amount otherwise payable. Finally, Applicants argue that under Death Benefit Option 2, the fact that the Surrender Charge has not been deducted will favorably affect the amount of the Death Benefit since cash value will be greater.

Applicants also represent that the administrative charge element of the Surrender Charge does not take into account the time-value of money (which would increase the charge to factor in the investment cost to Aetna of deferring the charge) or the likelihood that not all contractowners will incur the charge (which would increase the charge for those surrendering or lapsing over what they would have paid had all contractowners been required to pay this administrative charge).

Notice is further given that any interested person wishing to request a hearing on the application may, not later than June 18, 1986, at 5:30 p.m., do so by submitting a written request setting forth the nature of his interest, the reasons for his request, and the specific

issues, if any, of fact or law that are disputed, to: Secretary, Securities and Exchange Commission, Washington, DC 20549. A copy of the request should be served personally or by mail upon Applicants at the address stated above. Proof of service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed with the request. After said date, an order disposing of the application will be issued unless the Commission orders a hearing upon request or upon its own motion.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

Shirley E. Hollis,
Assistant Secretary.

[FR Doc. 86-12660 Filed 6-4-86; 8:45 am]
BILLING CODE 8010-01-M

[Rel. No. 34-23286; File No. SR-MSRB-85-8 Amdt. 1]

Self-Regulatory Organizations; Proposed Rule Change by the Municipal Securities Rulemaking Board Relating to Arbitration

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), notice is hereby given that the Municipal Securities Rulemaking Board ("Board") filed with the Securities and Exchange Commission on March 5, 1985, and amended on May 21, 1986, a proposed rule change as described in Items I, II, and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

A. The Municipal Securities Rulemaking Board (the "Board") is filing amendments to rule G-35 relating to arbitration (hereafter referred to as the "proposed rule change") as follows:¹

Rule G-35. Arbitration

Sections 1 to 4. No change.

Section 5. Initiation of Proceedings

Except as otherwise provided herein, an arbitration proceeding under this Arbitration Code shall be instituted as follows:

(a) No change.

(b) (1) No change.

(2)(i)-(ii) No change.

¹ Italics indicate new language; [brackets] indicate deletions.

(iii) A respondent, responding claimant, cross-claimant or third party respondent who fails to file an answer within 20 business days from receipt of service, or unless the time to answer has been extended pursuant to subsection (e) below, may, in the discretion of the arbitrators, be barred from presenting any matter, arguments or defenses at the hearing.

(c) through (f) No change.

Sections 6 to 11. No change.

Section 12. Designation of Number of Arbitrators.

(a) Controversies Involving Persons Other Than Municipal Securities Brokers of Municipal Securities Dealers.

(1) Except as otherwise provided in this Arbitration Code, in all arbitration matters in which a person other than a municipal securities broker or municipal securities dealer is involved and where the matter in controversy does not exceed the amount of [\$100,000] \$500,000, or where the matter in controversy does not involve or disclose a money claim or the amount of damages cannot be readily ascertained at the time of commencement of the proceeding, the Director of Arbitration shall appoint an arbitration panel which shall consist of no less than three nor more than five arbitrators, at least a majority of whom shall not be associated with a broker, dealer or municipal securities dealer unless such person requests a panel consisting of a majority of arbitrators associated with a broker, dealer or municipal securities dealer.

(2) In all arbitration matters in which a person other than a municipal securities broker or municipal securities dealer is involved, and where the amount in controversy exceeds [\$100,000] \$500,000, the Director of Arbitration shall appoint an arbitration panel which shall consist of five arbitrators, unless the parties agree in writing to a panel of three arbitrators, at least three of whom shall not be associated with any broker, dealer or municipal securities dealer unless such person requests a panel consisting of a majority of arbitrators associated with a broker, dealer or municipal securities dealer.

(b) No change.

Sections 13 to 19. No change.

Section 20. Adjournments.

(a) The arbitrators may, in their discretion, adjourn any hearing either upon their own initiative or upon the request of any party to the arbitration.

(b) A party requesting an adjournment after arbitrators have been appointed, if said adjournment is granted, shall pay a fee equal to the deposit of costs but not

more than \$100. The arbitrators may waive this fee or in their award may direct the return of this adjournment fee. Sections 21 to 35. No change.

- B. Not applicable.
- C. Not applicable.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

(1) The Uniform Arbitration Code (the "Uniform Code") was developed by the Securities Industry Conference on Arbitration ("SICA"), which is composed of the representatives of the Board, nine other self-regulatory organizations, four public members, and the Securities Industry Association. The Uniform Code, as implemented by the various self-regulatory organizations, has established a uniform system of arbitration procedures throughout the securities industry.

The proposed rule change is intended to conform the provisions of the Board's arbitration code, contained in rule G-35, to recent amendments to the Uniform Code approved by SICA.

a. *Section 5. Initiation of Proceedings.* The current rule does not address instances in which an answer is not submitted within the 20-business-day time limitation required by the rule. The failure to file a timely answer or request an extension of time within which to file an answer with the Director of Arbitration causes delays in arbitration procedures and may operate unfairly against the Claimant.

The proposed rule change would amend section 5(b)(iii) to empower the panel of arbitrators to bar Respondents from presenting any matter, arguments or defenses at the hearing if the answer was not filed within the required time limitation. The proposed rule change would not apply to replies to counterclaims. Such replies are not required and are filed at the pleasure of the Claimant.

b. *Section 12. Designation of Number of Arbitrators.* Under the current rule, a panel of five arbitrators is required in cases involving public customers in which the amount in controversy is \$100,000 or more. The proposed rule change would amend section 12(a) to give the Director of Arbitration the discretion, when appropriate, to appoint a panel of three or five arbitrators if the amount in controversy is less than

\$500,000. The ability to choose a panel of three arbitrators would promote economy of efforts and facilitate the scheduling of hearings. This becomes increasingly important in cases which require multiple hearing sessions. The proposed rule change also provides that, if the amount in controversy is \$500,000 or more, the parties may agree in writing to a panel of three, rather than five, arbitrators.

Amending this section would make it more consistent with the provision empowering the Director of Arbitration to appoint three of five arbitrators in inter-industry disputes over \$100,000. Panels of three have been successfully used in the vast majority of these cases. In addition, it should be noted that the securities industry is the only arbitration forum which appoints larger panels of arbitrators as the amount in controversy increases. The use of smaller panels has been successful in other industry forums.

c. *Section 20. Adjournments.* The proposed rule change would amend section 20 to impose a fee, not to exceed \$100, on any party who requests and is granted an adjournment after the arbitrators have been appointed. Its purpose is to discourage frivolous, last-minute requests for postponements of hearing dates in cases in which a panel of arbitrators already has been appointed. Such adjournments frustrate efforts to provide expeditious conclusions to cases.

Under the proposed rule change, the party requesting the adjournment must submit such request in writing and include a check in the amount of the fee. The adversary party would be notified of the request and be given an opportunity to oppose it. The request and any opposition would be submitted to the panel of arbitrators for its consideration. If the request were granted, the panel may, in its discretion, waive the adjournment fee at the time of the request or in its final award.

The proposed rule change is not intended to apply to claims filed under the small claims procedures. It should be noted that it is the standard practice of other arbitration forums to impose adjournment fees.

b. (2) The Board has adopted the proposed rule change pursuant to Section 15B(b)(2)(C) and 15B(b)(2)(D) of the Securities Exchange Act of 1934. Section 15B(b)(2)(C) requires in pertinent part that the Board's rules be designed

to promote just and equitable principles of trade . . . to remove impediments to and perfect the mechanism of a free and open market in municipal securities, and, in

general, to protect investors and the public interest. . . .

Section 15B(b)(2)(D) states that the Board shall, if it deems appropriate

provide for the arbitration of claims, disputes, and controversies relating to transactions in municipal securities: Provided, however, That no person other than a municipal securities broker, municipal securities dealer, or person associated with such a municipal securities broker or municipal securities dealer may be compelled to submit to such arbitration except at his instance and in accordance with section 29 of this title.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Board does not believe that the proposed rule change will effect any burdens on competition in the municipal securities industry because the proposed rule change will be equally applicable to all participants in the industry.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received from Members, Participants, or Others

The Board has neither solicited nor received comments on the proposed rule change. The proposed rule change was the subject of extensive discussions by SICA which approved the provisions as part of the Uniform Code.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 35 days of the date of publication of this notice in the *Federal Register* or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

- (A) By order approve such proposed rule change, or
- (B) Institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street NW., Washington, DC 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission

and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section. Copies of such filing also will be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number in the caption above and should be submitted by June 26, 1986.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

Dated: May 30, 1986.

Shirley E. Hollis,

Acting Secretary.

[FR Doc. 86-12608 Filed 6-4-86; 8:45 am]

BILLING CODE 8010-01-M

[Rel. No. 34-23285; File No. SR-MSRB-86-9]

Self-Regulatory Organizations; Proposed Rule Change by the Municipal Securities Rulemaking Board Relating to Uniform Practice and Customer Confirmations

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), notice is hereby given that on May 19, 1986, the Municipal Securities Rulemaking Board ("Board") filed with the Securities and Exchange Commission a proposed rule change as described in Items I, II, and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

A. The Municipal Securities Rulemaking Board ("Board") is filing amendments to rules G-12(c)(vi)(C) and G-15(a)(iii)(C) relating to inter-dealer and customer confirmation disclosures (hereafter referred to as the "proposed rule change"), as follows:

Rule G-12. Uniform Practice¹

- (a)-(b) No change.
- (c) Dealer Confirmations.
- (i)-(v) No change.
- (vi) In addition to the information required by paragraph (v) above, each confirmation shall contain the following information, if applicable:
 - (A)-(B) No change.

(C) if the securities are identified by the issuer or sold by the underwriter as subject to federal taxation, a designation to that effect;

[(C)-(G)] renumbered (D)-(H) (d)-(1) No change.

Rule G-15. Confirmation, Clearance and Settlement of Transactions with Customers¹

- (a) Customer Confirmations.
- (i)-(ii) No change.
- (iii) In addition to the information required by paragraphs (i) and (ii) above, each confirmation to a customer shall contain the following information, if applicable:
 - (A)-(B) No change.

(C) if the securities are identified by the issuer or sold by the underwriter as subject to federal taxation, a designation to that effect;

[(C)-(H)] renumbered (D)-(I) (b)-(e) No change.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change.

(a) Municipal securities are defined in Section 3(a)(29) of the Securities Exchange Act as:

Securities which are direct obligations of, or obligations guaranteed as to principal or interest by, a State or any political subdivision thereof, or any agency or instrumentality of a State or any political subdivision thereof, or any municipal corporate instrumentality of one or more States, any security which is an industrial development bond (as defined in section 103(c)(2) of the Internal Revenue Code of 1954) the interest on which is excludable from gross income under section 103(a)(1) of such Code if, by reason of the application of paragraph (4) or (6) of section 103(c) of such Code (determined as if paragraphs (4)(A), (5) and (7) were not included in such section 103(c)), paragraph (1) of such section 103(c) does not apply to such security.

Section 3(a)(2) of the Securities Exchange Act contains identical language concerning industrial development bonds.

The definition turns on whether the security is an obligation of a state or political subdivision of a state, and not whether income derived from the security is taxable. Board rules, therefore, would apply to transactions in taxable municipal securities.

Recently, there have been several "taxable" issues of municipal securities brought to market. Moreover, under

certain proposed revisions to the federal tax code, certain categories of municipal securities may no longer be exempt from federal taxation.

Although under rule G-17, on fair dealing, a dealer should orally advise customers of the taxable status of municipal securities at the time of or prior to execution of a transaction in such securities, the Board's confirmation rules currently have no disclosure requirements regarding transactions in such securities. The Board has determined that such disclosure would be appropriate since the majority of municipal securities likely will continue to be tax-exempt and dealers and customers may find it necessary to preserve a record of transactions in "taxable" municipal securities.

(b) The Board has adopted the proposed rule change pursuant to section 15B(b)(2)(C) of the Securities Exchange Act of 1934, which requires in pertinent part that the Board's rules be designed

to promote just and equitable principles of trade . . . to remove impediments to and perfect the mechanism of a free and open market in municipal securities, and, in general, to protect investors and the public interest. . . .

B. Self-Regulatory Organization's Statement on Burden on Competition.

The Board does not believe that the proposed rule change will effect any burdens on competition in the municipal securities industry because the proposed rule change will apply equally to all industry participants.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received from Members, Participants, or Others.

The Board has neither solicited nor received comments on the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 35 days of the date of publication of this notice in the Federal Register or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

(A) By order approve such proposed rule change, or

(B) Institute proceedings to determine whether the proposed rule change should be disapproved.

¹ Italics indicate new language; [brackets] indicate deletions.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street NW., Washington, DC 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section. Copies of such filing also will be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number in the caption above and should be submitted by June 26, 1986.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

Shirley E. Hollis,
Acting Secretary.

May 30, 1986.

[FR Doc. 86-12689 Filed 6-4-86; 8:45 am]

BILLING CODE 8010-01-M

Self-Regulatory Organizations; National Association of Securities Dealers, Inc.; Order Approving Proposed Rule Change

The National Association of Securities Dealers, Inc. submitted on April 17, 1986 copies of a proposed rule change pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 ("Act") and Rule 19b-4 thereunder, to amend Article II, section 1 of the NASD Rules of Fair Practice to change the guidelines for fees that NASD member firms may charge issuers for forwarding proxy and other materials to the issuer's shareholders.

Notice of the proposed rule change together with the terms of substance of the proposed rule change was given by the issuance of a Commission release (Securities Exchange Act Release No. 34-23173) April 24, 1986 and by publication in the *Federal Register* (51 FR 16124, April 30, 1986). No comments were received with respect to the proposed rule filing.

The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to the NASD and, in particular, the requirements of section 15A and the rules and regulations thereunder.

It is therefore ordered, pursuant to section 19(b)(2) of the Act, that the above-mentioned proposed rule change be, and hereby is, approved.

For the Commission, by the Division of Market Regulation pursuant to delegated authority. 17 CFR 200.30-3(a).

Shirley E. Hollis,
Acting Secretary.

May 30, 1986.

[FR Doc. 86-12690 Filed 6-4-86; 8:45 am]

BILLING CODE 8010-01-M

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

[Order 86-99; Dockets 42064, 36553, and 41467]

Revocation of the Section 401 or 418 Certificates of Flirite, Inc., Profit Airlines, Inc. and Nelson Island Air Service, Inc. d/b/a Executive Charter; Order to Show Cause

AGENCY: Department of Transportation.

ACTION: Notice of Order to Show Cause (Order 86-99), Dockets 42064, 36553, and 41467.

SUMMARY: The Department of Transportation is directing all interested persons to show cause why it should not issue an order revoking the section 401 or 418 certificates issued to Flirite, Inc., Profit Airlines, Inc., and Nelson Island Air Service, Inc. d/b/a Executive Charter.

DATES: Persons wishing to file objections should do so no later than June 20, 1986.

ADDRESS: Responses should be filed in Dockets 42064, 36553, and 41467 and addressed to the Office of Documentary Services, Department of Transportation, 400 Seventh Street, SW., Washington, DC 20590 and should be served on the parties listed in Attachment A to the order.

FOR FURTHER INFORMATION CONTACT: Patricia T. Szrom, Special Authorities Division, U.S. Department of Transportation, 400 Seventh Street, SW., Washington, DC 20590, (202) 755-3812.

Dated: May 30, 1986.

Matthew V. Scocozza,
Assistant Secretary for Policy and International Affairs.
[FR Doc. 86-12657 Filed 6-4-86; 8:45 am]
BILLING CODE 4910-62-M

[Docket 44016]

United States-Japan Small Package Service Proceeding; Postponement of Prehearing Conference

Notice is hereby given that the Prehearing Conference in this proceeding earlier scheduled to be held on June 12, 1986, has been postponed, and is rescheduled to be held on June 26, 1986 at 9:30 a.m. (local time) in Room 5332, Nassif Bldg., 400 7th Street, SW., Washington, DC, before the undersigned.

Dated at Washington, DC, May 30, 1986.

Elias C. Rodriguez,
Chief Administrative Law Judge.
[FR Doc. 86-12658 Filed 6-4-86; 8:45 am]
BILLING CODE 4910-62-M

Aviation Proceedings; Order Adjusting the Standard Foreign Fare Level Index

The International Air Transportation Competition Act (IATCA), Pub. L. 96-192, requires that the Department, as successor to the Civil Aeronautics Board, establish a Standard Foreign Fare Level (SFFL) by adjusting the SFFL base periodically by percentage changes in actual operating costs per available seat-mile. Order 80-2-69 established the first interim SFFL and Order 86-4-19 set the currently effective two-month SFFL applicable through March 31, 1986.

In establishing the SFFL for the two-month period beginning June 1, 1986, we have projected nonfuel costs based on the year ended March 31, 1986 data, and have determined fuel prices on the basis of the latest experienced monthly fuel cost levels as reported to the Department.

By Order 86-5-102 fares may be increased by the following adjustment factors over the October 1, 1979, level:

Atlantic.....	1.0268
Latin America.....	1.1915
Pacific.....	1.2447
Canada.....	1.2560

For further information contact: Julien P. Schrenk (202) 472-5126.

By the Department of Transportation.

Dated: May 30, 1986.

Matthew V. Scocozza,

Assistant Secretary for Policy and
International Affairs.

[FR Doc. 86-12659 Filed 6-4-86; 8:45 am]

BILLING CODE 4910-62-M

Federal Aviation Administration

Temporary Airman Certificate Issuance

AGENCY: Federal Aviation
Administration (FAA), Department of
Transportation (DOT).

ACTION: Notice concerning issuance of
Temporary Airman Certificate.

SUMMARY: On May 5, 1986, the FAA
issued a policy letter directed to all FAA
regions announcing a change from the
120-day term provided by FAR § 61.17
for Temporary Airman Certificates, FAA
Form 8060-4, to 180 days, until October
1, 1986. Until that date, FAA inspectors
and examiners will endorse these
temporary certificates to provide for an
effective period of 180 days. This action
is necessary to permit FAA to contend
with the backlog of certification files
awaiting processing.

FOR FURTHER INFORMATION CONTACT:

Carol S. Rayburn, Manager, General
Aviation and Commercial Division,
AFS-800, Telephone: (202) 426-8196
Federal Aviation Administration, 800
Independence Avenue SW.,
Washington, DC 20591

Carol S. Rayburn,

Manager, General Aviation and Commercial
Division.

[FR Doc. 86-12615 Filed 6-4-86; 8:45 am]

BILLING CODE 4910-13-M

Federal Highway Administration

Environmental Impact Statement; Walworth County, WI

AGENCY: Federal Highway
Administration (FHWA), DOT.

ACTION: Notice of intent to prepare an
Environmental Impact Statement.

SUMMARY: The FHWA is issuing this
notice to advise the public that an
Environmental Impact Statement (EIS)
will be prepared for a proposed highway
improvement in Walworth County,
Wisconsin.

FOR FURTHER INFORMATION CONTACT:

Mr. Michael M. Moravec, Environmental
Coordinator, Federal Highway
Administration, 4502 Vernon Boulevard,
Madison, Wisconsin 53705. Telephone
(608) 264-5947.

SUPPLEMENTARY INFORMATION: The
FHWA, in cooperation with the

Wisconsin Department of
Transportation, will prepare an EIS for
transportation improvements to State
Trunk Highway (STH) 120 in Walworth
County, Wisconsin. The study area is
located north of the Illinois-Wisconsin
state line, extending approximately four
miles from County Trunk Highway BB in
the Town of Linn, northerly through the
City of Lake Geneva to STH 36.
Planning, environmental, and
engineering studies are underway to
develop transportation improvement
alternatives. The EIS will assess the
need, location, and environmental
impacts of alternatives including: (1)
The no-build alternative; (2)
Reconstruction of the existing roadway;
and (3) A bypass to the east of the
existing route.

The section of STH 120 under study
has a high accident rate due to its
limited vehicular capacity, poor
roadway geometrics, and heavy traffic.
For many years, there has been interest
in improving safety and relieving
congestion in this transportation
corridor.

Coordination and scoping activities
will begin soon and will involve
agencies that are identified as having an
interest in or jurisdiction by law
regarding the proposed action. Agencies
will be notified by mail of the date of the
formal scoping meeting. In addition,
coordination will continue with local
units of government, private interest
groups, and local citizens, including
public meetings.

To ensure that the full range of issues
related to this proposed action are
addressed and all significant issues
identified. Comments and suggestions
are invited from all interested parties.
Comments or questions concerning this
proposed action and the EIS should be
directed to the FHWA at the address
provided above.

Issued on May 27, 1986.

Frank M. Mayer,

Division Administrator.

[FR Doc. 86-12627 Filed 6-4-86; 8:45 am]

BILLING CODE 4910-22-M

National Highway Traffic Safety Administration

Petitions for Exemption From the Vehicle Theft Prevention Standard; Volkswagen of America, Inc.

AGENCY: National Highway Traffic
Safety Administration (NHTSA), DOT.

ACTION: Grant of petition for exemption.

SUMMARY: Volkswagen of America, Inc.
petitioned the agency for an exemption
from the marking requirements of the

vehicle theft prevention standard for the
Audi 5000S passenger car line, pursuant
to the provisions of section 605 of the
Motor Vehicle Information and Cost
Savings Act. The agency has determined
that the antitheft device which the
petitioner intends to install on that line
as standard equipment is likely to be as
effective in reducing and deterring
motor vehicle theft as would compliance
with the parts marking requirements of
the standard. Therefore, the agency
grants the petition.

DATE: The exemption granted by this
notice will become effective beginning
with the 1987 model year.

SUPPLEMENTARY INFORMATION: On
December 13, 1985, Volkswagen of
America, Inc. (VWoA) petitioned the
agency for an exemption from the parts
marking requirements of the vehicle
theft prevention standard (49 CFR Part
541), pursuant to section 605 of the
Motor Vehicle Information and Cost
Savings Act. On January 7, 1986 (51 FR
706), NHTSA published an interim final
rule establishing requirements to be
followed by manufacturers in preparing
and submitting petitions for exemption
during model year 1987 (49 CFR Part
543). VWoA submitted supplemental
information in a letter dated February 4,
1986, to meet the requirements for
petitions in Part 543, and requested an
exemption for the Audi 5000S passenger
car line. The agency reviewed the
material submitted by VWoA with its
letters and concluded that VWoA had
met the requirements for petitions in
Part 543.5, as of February 5, the date on
which the last VWoA letter was
received by the agency. Accordingly, the
120-day period for processing VWoA's
petition began on that date since, as
provided by section 543.7, the processing
of a petition does not begin until the
petition is complete.

In its petition, VWoA described an
antitheft device that is activated by
removing the key from the ignition and
locking the driver's door. These two
steps render the starter motor non-
functional. They also arm an audible
alarm which is triggered by sensors in
the doors, trunk, engine hood and radio.

The agency has determined that
installation of VWoA's device in the
Audi 5000S is likely to be as effective
as that line's compliance with the parts
marking requirements of Part 541 in
reducing and deterring vehicle theft.
This determination is based on the
information submitted by VWoA with
its petition and on other available
information. The agency believes that
the device will provide the types of
performance listed in § 543.6(a)(2), i.e.,

promote activation, attract attention to unauthorized entries, prevent defeating or circumventing of the device by unauthorized persons, prevent operation of the vehicle by unauthorized entrants, and ensure the reliability and durability of the device.

As required by section 605(b) of the statute and § 543.6(b), the agency also thinks that VWoA has provided viable reasons for its belief that the anti-theft device will reduce and deter theft. This conclusion is based on VW's discussion of the National Crime Information Center (NCIC) theft data and this agency's Preliminary Regulatory Evaluation analysis of theft data for the Nissan 280 ZX/300 ZX car lines. The standard equipment anti-theft device in both the 1984 Nissan 300 ZX and the Audi 5000S car lines have very similar methods of encouraging activation and preventing defeat. The NCIC data shows that the theft rate for the 1984 Nissan 300 ZX cars is approximately 50 percent less than that of the 1983 280 ZX models which lacked the anti-theft devices. VW state that its anti-theft device contains additional protective features, which VW believes will result in its device reducing and deterring theft to the same degree as the Nissan device.

As an aside, the agency notes that the limited and apparently conflicting data on the effectiveness of the pre-standard parts marking programs makes it difficult in this first year of the theft legislation's implementation to compare the effectiveness of an anti-theft device with the effectiveness of compliance with the theft prevention standard. The statute clearly requires such a comparison, which the agency has made on the basis of the limited data available.

For the reasons stated above, the agency grants VWoA's petition for exemption from the parts marking requirements of Part 541 for the Audi 5000S car line based on substantial evidence that this standard equipment anti-theft device is likely to be as effective in reducing and deterring theft of this line as compliance with Part 541 would be. This exemption will become effective beginning with the 1987 model year.

NHTSA notes that if VWoA wishes in the future to modify the device on which this exemption is based, the company may have to submit a petition to modify the exemption. Section 543.7(c) provides that an exemption granted under Part 543 applies only to vehicles which are equipped with the anti-theft device on which the exemption of the line including those vehicles was based. Further § 543.9(b)(2) provides for the submission of petitions "(t)o modify an

exemption to permit the use of an anti-theft device similar to but differing from the one specified in that exemption."

The agency wishes to minimize the administrative burden which § 543.9(b)(2) could place on exempted vehicle manufacturers and itself. The agency does not believe that Congress intended, in providing for the exemption process, to require the submission of a modification petition for every change, no matter how insubstantial, in the components or design of an anti-theft device. The significance of many such changes could be *de minimis*. Therefore, NHTSA reserves the authority to consider as *de minimis* any changes whose effects might be so characterized, and to advise a manufacturer that a modification petition is not required.

(15 U.S.C. 2025, delegation of authority at 49 CFR 1.50)

Issued on June 2, 1986.

Diane K. Steed,

Administrator.

[FR Doc. 86-12691 Filed 6-2-86; 5:05 pm]

BILLING CODE 4910-59-M

DEPARTMENT OF THE TREASURY

Office of the Secretary

[Supplement to Department Circular—Public Debt Series—No. 20-86]

Treasury Notes, Series K-1991

Washington, May 29, 1986.

The Secretary announced on May 28, 1986, that the interest rate on the notes designated Series K-1991, described in Department Circular—Public Debt Series—No. 20-86 dated May 21, 1986, will be 7-1/2 percent. Interest on the notes will be payable at the rate of 7-1/2 percent per annum.

John A. Kilcoyne,

Acting Fiscal Assistant Secretary.

[FR Doc. 86-12663 Filed 6-4-86; 8:45 am]

BILLING CODE 4810-40-M

UNITED STATES INFORMATION AGENCY

A Grants Program for Private Not-For-Profit Organizations in Support of International Educational and Cultural Activities

The United States Information Agency (USIA) announces a program of selective assistance and limited grant support to non-profit activities of United States institutions and organizations in the Private Sector. The primary purpose of the program is to enhance the

achievement of the Agency's international public diplomacy goals and objectives by stimulating and encouraging increased private sector commitment, activity, and resources. The information collection involved in this solicitation is covered by OMB Clearance Number 3116-0175, entitled "A Grants Program for Private Organizations," expiration date January 31, 1987.

Private sector organizations interested in working cooperatively with USIA on the following concept are encouraged to so indicate:

Transition from Military to Civilian Democratic Rule: The Office of Private Sector Programs, Initiative Grants/Bilateral Accords Division will develop a series of seven-day international workshops on the transition of military-dominated political systems to enduring civilian democratic governments. The first workshop will examine the transition issue with special reference to the analytical factors which contributed to the development of civilian democratic government in South America and the Iberian peninsula. Tentatively scheduled for the fall 1986, the first workshop will take place either in the United States or in South America.

Your submission of a letter indicating interest in the above project concept begins the consultative process. This letter should further explain why your organization has the substantive expertise and logistical capability to successfully design, develop and conduct the above project. While not restricted by region, USIA would prefer proposals from U.S. non-profit institutions located in the southern part of the U.S., or from institutions which demonstrate their ability to conduct the first workshop in South America through strong logistical support from a Latin American cosponsoring institution.

Emphasis during the preliminary consultative process will be on identifying organizations able to meet the above criteria. Furthermore, USIA is most interested in working with organizations that show promise for innovative and cost-effective programming; and with organizations that have potential for obtaining third-party private-sector funding in addition to USIA support. Organizations must also demonstrate a potential for designing programs which will have a lasting impact on their participants. In your response, you may also wish to include other pertinent background information. To be eligible for consideration, organizations must

postmark their general letter of interest within 20 days of the date of this notice.

This is not a solicitation for grant proposals. After consultation, selected organizations will be invited to prepare proposals for the financial assistance available.

Office of Private Sector Programs,
Bureau of Educational and Cultural
Affairs (Attn: Initiative Grants/
Bilateral Accords Division), United
States Information Agency, 301 4th
Street SW., Washington, D.C. 20547.

Dated: May 23, 1986.

Albert Ball,

Deputy Director, Office of Private Sector
Programs.

[FR Doc. 86-12680 Filed 6-4-86; 8:45 am]

BILLING CODE 8320-01-M

VETERANS ADMINISTRATION

Agency Form Under OMB Review

AGENCY: Veterans Administration.

ACTION: Notice.

The Veterans Administration has submitted to OMB for review the following proposal for the collection of information under the provisions of the

Paperwork Reduction Act (44 U.S.C. Chapter 35). This document contains a request for an extension and revision of a form and lists the following information: (1) The department or staff office issuing the form, (2) the title of the form, (3) the agency form number, if applicable, (4) how often the form must be filled out, (5) who will be required or asked to report, (6) an estimate of the number of responses, (7) an estimate of the total number of hours needed to fill out the form, and (8) an indication of whether section 3504 (h) of Pub. L. 96-511 applies.

ADDRESSES: Copies of the form and supporting documents may be obtained from Nancy C. McCoy, Agency Clearance Officer (732), Veterans Administration, 810 Vermont Avenue NW., Washington, DC 20420, (202) 389-2146. Comments and questions about the items on the list should be directed to the VA's OMB Desk Officer, Dick Eisinger, Office of Management and Budget, 726 Jackson Place NW., Washington, DC 20503, (202) 395-7316.

DATES: Comments on the information collections should be directed to the

OMB Desk Officer within 60 days of this notice.

Dated: May 30, 1986.

By direction of the Administration.

Jack J. Sharkey,

Director, Office of Data Management and
Telecommunications.

Extension

1. Department of Veterans Benefits
2. Statement of Person Claiming to
having Stood in Relation of Parent
3. VA Form 21-524
4. On occasion
5. Individuals or households
6. 2,000 responses
7. 4,000 hours
8. Not applicable

Revision

1. Department of Veterans Benefits
2. Request for Details of Expenses
3. VA Form 21-8049
4. On occasion
5. Individuals or households
6. 22,800 responses
7. 5,700 hours
8. Not applicable.

[FR Doc. 86-12612 Filed 6-4-86; 8:45 am]

BILLING CODE 8320-01-M

Sunshine Act Meetings

Federal Register

Vol. 51, No. 108

Thursday, June 5, 1986

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

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1

FEDERAL ELECTION COMMISSION

DATE AND TIME: Tuesday, June 10, 1986, 10:00 a.m.

PLACE: 999 E Street, NW., Washington, DC.

STATUS: This meeting will be closed to the public.

ITEMS TO BE DISCUSSED:

Compliance matters pursuant to 2 U.S.C. 437g, Audits conducted pursuant to 2 U.S.C. 437g, 438(b), and Title 26, U.S.C.

Matters concerning participation in civil actions or proceedings or arbitration Internal personnel rules and procedures or matters affecting a particular employee

DATE AND TIME: Thursday, June 12, 1986, 10:00 a.m.

PLACE: 999 E Street, NW., Washington, DC (Ninth Floor).

STATUS: This meeting will be open to the public.

MATTERS TO BE CONSIDERED:

Setting of Dates of Future Meetings
Correction and Approval of Minutes
Draft AO 1986-17

Stephen Gillers on behalf of Mark Green
Routine Administrative Matters

PERSON TO CONTACT FOR INFORMATION:

Mr. Fred Eiland, Information Officer,
202-376-3155.

Mary W. Dove,

Administrative Assistant.

[FR Doc. 86-12750 Filed 6-3-86; 2:59 p.m.]

BILLING CODE 6715-01-M

2

FEDERAL MARITIME COMMISSION

TIME AND DATE: 2:00 p.m., June 9, 1986.

PLACE: Hearing Room One, 1100 L Street, NW., Washington, DC 20573.

STATUS: Closed.

MATTER TO BE CONSIDERED:

1. Docket No. 85-24—Matson Navigation Company, Inc. Proposed Overall Rate Increase of 2.5 Percent Between United States Pacific Coast Ports and Hawaii—Consideration of the Record.

CONTACT PERSON FOR MORE

INFORMATION: John Robert Ewers,
(202) 523-5725.

John Robert Ewers,

Secretary.

[FR Doc. 86-12729 Filed 6-3-86; 1:48 pm]

BILLING CODE 6730-01-M

3

SECURITIES AND EXCHANGE COMMISSION

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT:

STATUS: Closed/open meetings.

PLACE: 450 Fifth Street, NW., Washington, DC.

DATE PREVIOUSLY ANNOUNCED: Wednesday, May 21, 1986.

CHANGE IN THE MEETINGS: Deletion/rescheduling.

A closed meeting scheduled for Wednesday, May 28, 1986, at 2:30 p.m.,

to consider the following items, has been cancelled.

Settlement of administrative proceedings of an enforcement nature.

Institution of administrative proceedings of an enforcement nature.

Report of investigation.

An open meeting scheduled for Thursday, May 29, 1986, at 3:30 p.m., has been rescheduled for Thursday, June 12, 1986, at 2:30 p.m.

The Commission will hear oral argument on appeals by Rooney Pace, Inc., a registered broker-dealer, Randolph K. Pace, its president, and the Commission's Division of Enforcement, from an administrative law judge's initial decision. For further information, please contact R. Moshe Simon at (202) 272-7400.

The subject matter of the closed meeting scheduled for Thursday, May 29, 1986, has been rescheduled for Thursday, June 12, 1986, following the 2:30 p.m. open meeting.

Post oral argument discussion.

Commissioner Fleischman, as duty officer, determined that Commission business required the above changes and that no earlier notice thereof was possible.

At times changes in Commission priorities require alterations in the scheduling of meeting items. For further information and to ascertain what, if any, matters have been added, deleted or postponed, please contact: Kathryn Natale at (202) 272-3195.

Shirley E. Hollis,

Acting Secretary.

June 2, 1986.

[FR Doc. 86-12786 Filed 6-3-86; 4:00 pm]

BILLING CODE 8010-01-M

**Estimate
of
Federal
Housing
Development
Grant
Program**

**Thursday
June 5, 1986**

Part II

**Department of
Housing and Urban
Development**

**Office of the Assistant Secretary for
Housing—Federal Housing Commissioner**

**Housing Development Grant Program;
Notices**

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Assistant Secretary for Housing—Federal Housing Commissioner

[Docket No. N-86-1603; FR-2236]

Housing Development Grant Program

AGENCY: Office of the Assistant Secretary for Housing—Federal Housing Commissioner, HUD.

ACTION: Invitation for applications.

SUMMARY: This Notice invites any unit of general local government, including cities, counties, towns or townships, parishes, villages or other general purpose political subdivisions of a State, and any State, acting on behalf of, and with the concurrence of, units of general local government, to submit applications for grants under HUD's Development Grant Program. The Grant funds awarded under the program will be used to support the construction or substantial rehabilitation of residential rental, cooperative or mutual housing in which at least 20 percent of the units will be occupied by lower income families. Applicants that responded to the June 20, 1984, or February 13, 1985, Invitation for Applications must reapply to be considered for funding. A revised or a new proposal may be submitted which is consistent with the guidance provided in this Invitation for Applications, the revised (May, 1986) Application Packet and the List of Designated Eligible Areas published in this Federal Register issue. Neither Fiscal Year 1986 funds, nor recaptured or cancelled funds from previously awarded grants will be set aside to fund projects which were submitted in response to previous Invitations for Applications.

EFFECTIVE DATE: June 5, 1986.

FOR FURTHER INFORMATION CONTACT: Jessica Franklin, Acting Director, Housing Development Grant Division, Room 6110, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, DC 20410, Telephone (202) 755-6142 (This is not a toll-free number).

SUPPLEMENTARY INFORMATION: The statutory authority for the Housing Development Grant Program is provided by Section 17 of the U.S. Housing Act of 1937. Section 17 was added to the U.S. Housing Act of 1937 by Section 301 of the Housing and Urban-Rural Recovery Act of 1983 (Pub. L. 98-181) which was enacted on November 30, 1983. On June 14, 1984, HUD published interim implementing regulations for the new

program (see 49 FR 24634). The interim regulations were effective on August 7, 1984, and continue to apply to this program.

Program Funds

HUD has been authorized to provide \$72,175,000 in Housing Development Grant funds during Fiscal Year 1986. Funds recaptured or cancelled from previously awarded projects will be added to this new authorization. An estimate of these funds is not available at this time. HUD estimates that the authorized funds will be adequate to support applications for approximately 4,000 units of rental, cooperative or mutual housing.

Nature of and Limits on Program Assistance

Under the Housing Development Grant Program, HUD provides grants to units of general local government, including cities, counties, towns, townships, parishes, villages, or any other general purpose political subdivision of a State, and to States, acting on behalf of, and with the concurrence of, units of general local government. These grantees, in turn, may use the grant funds to provide either grants, loans, interest reduction payments, rental assistance payments, or other forms of assistance to promote the construction or substantial rehabilitation of residential rental, cooperative or mutual housing. The maximum grant that may be approved for a project is limited to an amount sufficient to produce decent rental housing of modest design that is affordable by families and individuals without other reasonable and affordable housing alternatives in the private market. Grant assistance may not exceed 50 percent of the total costs associated with the rehabilitation or construction of the project, normally excluding the cost of acquisition, debt service and operating deficit reserves, working capital, sponsor profit and risk allowance, and relocation costs in excess of an amount that HUD determines to be reasonable. Under certain limited circumstances, HUD may permit the cost of acquisition to be included in the base amount to which the 50 percent limitation is applied. The program regulations and the application packet to be distributed to prospective applicants provide guidance on the circumstances under which the inclusion of acquisition cost may be permitted.

Eligible Applicants/Grantees

Any unit of general local government, or any State, acting on behalf of, and with the concurrence of, units of general

local government is eligible to apply for and receive grant assistance under the Housing Development Grant Program. For purposes of qualifying as an eligible applicant under this program, the term "unit of general local government" means any city, county, town, township, parish, village or other general purpose political subdivision of a State; any Indian tribe as defined in section 102(a)(17) of the Housing and Community Development Act of 1974; and the District of Columbia, Virgin Islands, Guam, American Samoa, the Northern Mariana Islands, the Trust Territory of the Pacific Islands, and any other territory or possession of the United States. Entities that qualify as "States" include each of the several States and the Commonwealth of Puerto Rico. Applications from "State" applicants must be signed by the Governor. Housing Finance Agencies are not eligible to apply.

Previously Submitted Applications

Applications submitted under this program in response to the June 20, 1984, or February 13, 1985, Invitation for Applications will not be considered for funding. A revised or a new proposal may be submitted which is consistent with the guidance provided in this Invitation for Applications, the revised (May, 1986) Application Packet and the List of Designated Eligible Areas published in this Federal Register issue. Neither Fiscal Year 1986 funds, nor recaptured or cancelled funds from previously awarded grants will be set aside to fund projects which were submitted in response to previous Invitations for Applications.

Eligible Types of Applications

There are three types of applications eligible for submission under this program:

(1) **Eligible Area Application**—This is an application for a project located in an area determined by HUD, on the basis of statutorily prescribed factors, to be experiencing a severe shortage of decent rental housing opportunities for families and individuals without other reasonable and affordable alternatives in the private market. Notwithstanding the determination of a rental housing shortage based upon statutorily prescribed factors, any city shall also be designated as an eligible area if (a) according to the most recent data compiled by the U.S. Bureau of the Census, such city has a population of not less than 450,000; and (b) the percentage of the total rental units in such city that are vacant and available for rent is less than 10 percent. HUD's

list of designated eligible areas (i.e., units of general local government, including cities, counties, towns or townships, parishes, villages or other general purpose political subdivision of a State) is published elsewhere in today's issue of the *Federal Register*.

(2) *Special Housing Need*

Application—This is an application for a project that is not located in a designated eligible area, but is intended to meet a special housing need that cannot be met through the moderate rehabilitation of housing stock located in the project neighborhood. A special need application must address either a special renter group need (e.g., need for housing to accommodate large families), or a special need resulting from a rapid change or other dislocation in the housing market that has occurred since the taking of the 1980 Census (e.g., need resulting from rapid population growth or dislocation) provided the current rental vacancy rate is less than seven (7) percent.

(3) *Neighborhood Preservation*

Purpose Application—This is an application for a project that is not located in a designated eligible area, but is intended to advance a particular neighborhood preservation purpose that cannot be advanced through moderate rehabilitation of housing stock located in the project neighborhood. The proposed project must be located in a neighborhood preservation area in which concentrated housing, physical development, and public service activities are being carried out in a coordinated manner pursuant to a locally developed strategy for neighborhood improvement, conservation, or preservation.

Project Eligibility

To be eligible for assistance under the Housing Development Grant Program, a project must involve new construction or substantial rehabilitation. For purposes of this program, "substantial rehabilitation" is defined as repairs, replacements and improvements, (a) the cost of which exceeds the greater of 15 percent of the property's value after rehabilitation or \$6,500 per dwelling unit (adjusted by an appropriate supportable local high cost factor), or (b) which entail the replacement of more than one major building component (e.g., roof structure; ceiling, wall or floor structures; plumbing system; or electrical system). Projects must be designed primarily for nontransient, residential rental use and may not contain special purpose space (e.g., medical facilities) requiring specialized features which increase the cost of construction. Generally, not more than

10 percent of the gross floor area of a project may be utilized for commercial purposes. HUD may approve commercial space of up to 20 percent of the gross floor area if special conditions warrant exceeding the 10 percent limit. (This restriction applies to all functionally related facilities on the project site notwithstanding the fact that the commercial space is separated from the residential units by condominium ownership.) Cooperative and mutual housing projects are eligible under this program, but must be controlled to assure the continued availability and affordability of at least 20 percent of the units to lower income households. For a project with two or more sites, all sites must be located within the same neighborhood and within a three block radius of each other. Further, each site must contain both lower income and market rate units.

The lower income units must be of the same construction type, but need not contain the same amount of floor space or interior amenities as the market rate units. The exterior of the lower income units must be indistinguishable from the exterior of the market rate units. The estimated value of a project after construction or substantial rehabilitation may not exceed the amount of mortgage that could be insured for the project under Section 207 of the National Housing Act based on the sum of the statutory per-unit limits (adjusted by the appropriate supportable local high-cost factor) and an allowance determined by HUD for costs not attributable to dwelling use (including costs for commercial space).

Projects currently assisted (or for which assistance is anticipated) under any other Federal housing assistance program or which were formerly owned by HUD are ineligible for assistance under this program.

Minimum and Maximum Project Size Limitations

Applications may not be submitted in response to this IFA for projects containing fewer than 20 or more than 200 dwelling units.

Applicability of Gautreaux Consent Decree

Applications for projects to be developed within the Chicago, Illinois SMSA must comply with all applicable requirements of the Gautreaux Consent Decree. For further information on such requirements, prospective applicants should contact the HUD Chicago Regional Office (Attention: Ms. Mary Anderson) by calling (312) 353-6816. (This is not a toll-free number.)

Other Program Requirements

The following are additional requirements of the Housing Development Grant Program which are not mentioned elsewhere in this Notice:

(1) *Lower Income Units*. At least 20 percent of the units in any project assisted under the Housing Development Grant Program must be occupied, or available for occupancy, by lower income households (i.e., families or individuals whose incomes do not exceed 80 percent of the area median income, with adjustments, determined by HUD) during the period beginning when the project is initially available for occupancy and ending 20 years from the date on which 50 percent of the project units are first occupied. Owners must reexamine the income of each household occupying a lower income unit at least once a year.

(2) *Lower Income Unit Rents*. Rents (including utilities) charged for the units designated for lower income occupancy may not exceed 30 percent of the adjusted income for a family whose income equals 50 percent of the area median income, as determined by HUD with adjustments for smaller and larger families. HUD will provide the median income data and standard income adjustments to be used by owners in establishing the maximum rents for lower income units.

(3) *Restriction on Conversions*. During the 20 year period starting when the project is initially available for occupancy, owners may not convert units to condominium ownership or any form of cooperative ownership which would be ineligible for assistance under the Housing Development Grant Program.

(4) *Marketing and Tenant Selection*. In renting units, owners may not discriminate against prospective tenants because of their eligibility for, or receipt of, housing assistance under any Federal, State or local housing assistance program, or because they have children (unless the units in a project are designated for occupancy only by the elderly). An owner must have a HUD-approved Affirmative Fair Housing Marketing Plan and must carry out all marketing activities in accordance with HUD's Affirmative Fair Housing Marketing Regulations at 24 CFR Part 200, Subpart M.

(5) *Displacement/Relocation*. A project may not be assisted under the Housing Development Grant Program if its development will cause the involuntary displacement of very low-income households from the project site by households which are not very low-

income. The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 and HUD's implementing regulations (24 CFR Part 42) apply to any displacement resulting from acquisition by a State agency, as defined in 24 CFR 42.85. Note that revised Uniform Relocation Act regulations took effect on May 1, 1986. See 51 FR 7010, February 27, 1986. In any case where there will be project-related displacement or relocation and the Uniform Act is not applicable, the following requirements apply:

(a) The applicant (grantee) must have a written tenant assistance policy;

(b) No tenant may be required to move permanently unless provided adequate advance written notice and appropriate advisory services;

(c) Lower income tenants required to move permanently must receive adequate advance notice, appropriate advisory services, and financial assistance sufficient to obtain decent, safe, sanitary, and affordable replacement housing;

(d) Lower income tenants required to move temporarily must be provided with: decent, safe and sanitary temporary housing; financial assistance to cover reasonable moving expenses and any increase in monthly housing costs during the temporary relocation period; and an opportunity to occupy a unit in the newly constructed or substantially rehabilitated project at rent levels determined by 24 CFR 813.107(a).

(6) *Construction and Design Standards.* The HUD Multifamily Minimum Property Standards will not apply to projects under the Housing Development Grant Program unless they are HUD-insured. All projects must, however, meet applicable State and local building codes.

(7) *Environmental Standards.* Projects are subject to Section 104(f) of the Housing and Community Development Act of 1974, the National Environmental Policy Act of 1969, and will be subject to HUD's implementing regulations at 24 CFR Part 58. Under this program, the applicant/grantee, not HUD, is responsible for performing an environmental assessment of the proposed project, as necessary, in accordance with the requirements of 24 CFR Part 58. Certifications of compliance must be submitted with the application.

(8) *Labor Standards.* Projects consisting of 12 or more units are subject to the prevailing wage requirements of the Davis-Bacon Act and the provisions of the Contract Work Hours and Safety Standards Act. (Since

the minimum project size is 20 units, all HDG projects are subject to these Acts.)

(9) *HAP Consistency.* A proposed project must be consistent with any applicable local Housing Assistance Plan approved by HUD.

(10) *OMB Circulars.* The policies, guidelines and requirements of OMB Circulars A-102 Revised (Uniform Administrative Requirements for Grants-in-Aid to State and Local Governments), A-122 (Cost Principles for Non-profit Organizations), A-87 (Cost Principles Applicable to Grants, Contracts and Other Agreements with State and Local Governments), and 24 CFR Part 44 implementing A-128 (Single Audit Act) apply to this program.

(11) *Intergovernmental Review.* The provisions of Executive Order 12372 and HUD's implementing regulations at 24 CFR Part 52 apply to this program. Applicants are required to submit applications directly to the reviewing body.

(12) *Debarred, Suspended or Ineligible Contractors.* HUD's regulations at 24 CFR Part 24 relating to the use of debarred, suspended or ineligible contractors or subcontractors apply to this program. Grantees will be responsible for assuring that such contractors or subcontractors are not used for projects assisted under this program during any period of debarment, suspension or placement in ineligibility status.

(13) *Flood Insurance.* No site proposed for a project to be assisted under this program may be located in an area that has been identified by the Federal Emergency Management Agency (FEMA) as having special flood hazards, unless the community in which the area is situated is participating in the National Flood Insurance Program, or less than a year has passed since FEMA notification regarding such hazards, and the applicant (grantee) will assure that flood insurance on the structure is obtained in compliance with Section 102(a) of the Flood Disaster Protection Act of 1973.

(14) *Nondiscrimination and Equal Opportunity.* Grantees and owners must comply with the requirements of Title VIII of the Civil Rights Act of 1968, 42 U.S.C. 3601-19 (Pub. L. 90-284) and implementing regulations, Executive Order 11063 and implementing regulations at 24 CFR Part 107, and Title VI of the Civil Rights Act of 1964 (Pub. L. 88-352) and implementing regulations at 24 CFR Part 1. Under Title VI and 24 CFR Part 1, no determination regarding the selection of a site or location of a Federally assisted project may be made with the purpose of or effect of excluding individuals from, or denying

them the benefits of, or subjecting them to discrimination on the basis of race, color, or national origin, or with the purpose or effect of defeating or substantially impairing the accomplishment of the objectives of Title VI or 24 CFR Part 1. Grantees and owners must also comply with prohibitions against discrimination on the basis of age under the Age Discrimination Act of 1975 (42 U.S.C. 6101-07) and the prohibitions on discrimination against handicapped individuals under Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794); the requirements of Executive Order 11246 and the regulations issued under the Order at 41 CFR Chapter 60; and the requirements of Section 3 of the Housing and Urban Development Act of 1968.

(15) *Minority and Women's Business Enterprise Opportunity.* The grantee and owner must prepare, implement and maintain a minority and women-owned business development plan which shall contain specific and measurable goals and an affirmative strategy to promote awareness and participation by such businesses in the contracting and procurement activities generated by the project.

(16) *Administrative Costs.* Grant funds may not be used for administrative costs incurred by an applicant/grantee in carrying out its responsibilities under the Housing Development Grant Program. Such administrative costs include, but are not limited to, staff and consultant salaries and operating expenses of the applicant/grantee.

(17) *Construction Start Deadline.* Project construction or rehabilitation must commence within 24 months of HUD's notice of application selection.

(18) *Owner-Grantee Agreement.* The owner and grantee must enter into an agreement requiring the owner to comply with certain statutory and regulatory restrictions (e.g., items (1), (2), and (3) above). The grantee will be responsible for assuring that the owner complies with the agreement even if the grantee delegates responsibility for administration of the project to another entity. Any Housing Development Grant assistance provided to the owner will constitute a debt payable in the event of failure to comply with the Agreement. In the event of an uncorrected violation, the owner will be required to pay the grantee an amount equal to the total amount of the grant assistance (plus interest thereon at a rate determined by HUD based on the Federal Government's borrowing rate) less 10 percent for each year in excess of 10

years from the effective date of the agreement. The owner's contingent debt must be secured by a security instrument (e.g., a lien against the property). The owner(s) and lender(s) must agree that the requirements of 24 CFR 850.151 (b), (c), (d) and (e) will be imposed as covenants running with the land or deed restrictions for the Project Term as defined in the Grant Agreement.

Application Submission Requirements

The application submission requirements are described in general terms in § 850.33 of the program regulations. The Application Packet that HUD will make available to prospective applicants will describe in much greater detail the required contents of an application and will contain detailed guidance to assist applicants in preparing acceptable applications.

HUD Review and Selection of Applications

Applications will be reviewed both by HUD Headquarters and by HUD Field Offices. Filed Offices will be responsible for making review comments and recommendations, but all selections will be made by Headquarters. HUD may request clarification of information in the application after the deadline for submission has passed. Where there is no documentation or the documentation provided is clearly insufficient to make appropriate determinations, the application may be rejected.

To be considered eligible for ranking and possible selection, an application must meet all threshold requirements. The threshold requirements are specified in the program regulations at 24 CFR 850.37.

HUD will rate and rank applications on the basis of the following factors (maximum number of points to be awarded for each factor is shown in parentheses).

(1) *Shortage of decent affordable housing (28 points)*. HUD will consider two separate elements under this factor. More favorable consideration will be given to those projects that are located in areas with lower rental vacancy rates in the jurisdiction as a whole and in all lower income census tracts in the jurisdiction (or where requested in the application and approved by HUD, in the market area).

(2) *Leveraging ratios (20 points)*. HUD will consider two separate elements under this factor. More favorable consideration will be given to projects with higher project leveraging ratios (i.e., total private and non-Federal public financial resources committed to the project divided by the requested

grant amount) and higher private project leveraging ratios (i.e., total private financial resources committed to the project divided by the requested grant amount).

(3) *Neighborhood development and mitigation of displacement (2 points)*. HUD will consider two separate elements under this factor. More favorable consideration will be given to those projects that have a more favorable effect on neighborhood development and that cause little or no displacement or that provide for effective mitigation of displacement.

(4) *Demonstrated performance and capacity (2 points)*. HUD will consider the applicant's record of performance in meeting its assisted housing needs and the applicant's capacity to commence and carry out the project in a timely manner. More favorable consideration will be given to those with the better record of performance in meeting annual and three-year Housing Assistance Plan goals and administering programs of federally assisted housing.

(5) *Efficient use of grant funds (10 points)*. HUD will consider the extent to which the housing development grant requested will provide the maximum number of units for the least cost to the Federal government. More favorable consideration will be given to projects with the better performance in achieving this result, and where the grant is to be repaid to the Grantee under conditions specified in the Application Packet. HUD has developed least cost ratios to account for differences in unit size (number of bedrooms), types of tenants being served, financing alternatives, construction costs, and project type.

(6) *Rent affordability (3 points)*. HUD will consider two elements under this factor. More favorable consideration will be given to projects that provide a more effective mechanism for assuring that rents for lower income units meet the rent requirements of § 850.151(e) of the program regulations, and that provide the greater amount of assistance, if any, to assure that rents are affordable for very low-income households.

(7) *Financial feasibility (10 points)*. All projects must present adequate documentation of firm financial commitments. However, the strength of these commitments, e.g., the level of documentation and absence of qualifying conditions above and beyond the minimum threshold, will determine the points earned in this subcategory. Another subcategory of determination will be based upon project rents, costs and expenses. Projects will be rated as to (a) feasibility of rents, reasonableness

of costs and expenses, and (b) financial feasibility over the Project Term.

(8) *Family housing (15 points)*. More favorable consideration will be given to projects that provide the greater number of units for families and for large families with children. Assisted units with an average bedroom size of 3 or more and projects with the highest overall average bedroom size above 2 will receive the maximum points.

(9) *Minority and women's business enterprise (5 points)*. Points will be awarded to applications that include a certification that controlling project ownership will be vested in, and exercised by, minority persons and women.

(10) *Promoting nondiscrimination and equal opportunity (5 points)*. HUD will take into account the present pattern of assisted housing location and occupancy. Favorable consideration will be given to projects that are located (a) outside areas of minority concentration where the current pattern shows most assisted projects in minority areas, or (b) in areas where there is no other assisted housing, or (c) in areas undergoing revitalization through public or private investment and in which rental opportunities for lower income households are declining.

Priority Projects/Bonus Points

In making selections, HUD will give priority (up to 15 bonus points) to projects located in areas where waiting lists for housing assistance are relatively long and where Section 8 certificate-holders require an excessive length of time to find housing, provided that more than 25 percent of the units will be made available for occupancy by lower-income families.

More specific information on how HUD will rate applications on the selection criteria and apply the selection priority will be provided to prospective applicants in the Application Packet.

Where To Obtain Application Packets

Beginning on June 16, 1986, Application Packets containing all required application forms and exhibits, detailed application instructions, and pertinent program guidance may be obtained from the HUD Field Offices listed in Appendix A of this Notice. Each prospective applicant should obtain and carefully review an application packet before attempting to prepare an application for submission to HUD.

Deadline for Submission of Applications

The deadline for application submission is July 21, 1986, at both

Headquarters and the local HUD field office covering the jurisdiction in which the project is located. Close of business for Headquarters in Washington, DC is 5:15 p.m. EDT. The addresses, locations and commercial telephone numbers of each local field office are included in Appendix A of this publication. Obtain information on the official close of business directly from the respective office.

Announcements and Awards

Grant awards will be announced no later than September 30, 1986. Projects that do not win an award will receive written notification.

Other Information

A Finding of No Significant Impact with respect to the environment has been made in accordance with HUD regulations in 24 CFR Part 50, which implements section 102(2)(C) of the National Environmental Policy Act of 1969, 42 U.S.C. 4332. The Finding of No Significant Impact is available for public inspection during regular business hours in the office of the General Counsel, Rules Docket Clerk, at the above address.

The collection of information requirements referenced in this notice have been approved by the Office of Management and Budget under the provisions of the Paperwork Reduction Act of 1980 (Pub. L. 86-511) and have been assigned OMB control number 2502-0323.

The Catalog of Federal Domestic Assistance program number for this program is 14.174.

Authority: Sec. 17(d), United States Housing Act of 1937 (42 U.S.C. 1437(o)); Section 7(d), Department of Housing and Urban Development Act (42 U.S.C. 3535(d)).

Dated: May 26, 1986.

Silvio J. DeBartolomeis,
General Deputy Assistant Secretary for Housing.

Appendix A—HUD Field Offices

Region I

Boston Regional Office

John F. Kennedy Federal Building, Room 800,
Boston, Massachusetts 02203-0801, (617)
223-4066

Hartford Office

One Hartford Square West, Suite 204,
Hartford, Connecticut 06106-2943, (203)
722-3638

Manchester Office

Norris Cotton Federal Building, 275 Chestnut
Street, Manchester, New Hampshire 03101-
2487, (603) 666-7881

Providence Office

John O. Pastore Federal Building and U.S.
Post Office, Kennedy Plaza, Room 330,

Providence, Rhode Island 02903, (401) 528-
5351

Region II

New York Regional Office

26 Federal Plaza, New York, New York
10278-0068, (212) 264-8053

Buffalo Office

Statler Building, Mezzanine, 107 Delaware
Avenue, Buffalo, New York 14202-2986,
(716) 846-5755

Caribbean Office

Federico Degetau Federal Building, U.S.
Courthouse, Room 428, Carlos E. Chardon
Avenue, Hato Rey, Puerto Rico 00918-2276,
(809) 753-4201

Newark Office

Military Park Building, 80 Park Place,
Newark, New Jersey 07102-5504, (201) 877-
1662

Region III

Philadelphia Regional Office

Liberty Square Building, 105 S 7th St.,
Philadelphia, Pennsylvania 19106-3392,
(215) 597-2560

Baltimore Office

The Equitable Building, 10 North Calvert
Street, 3rd Floor, Baltimore, Maryland
21202-1865, (301) 962-2121

Charleston Office

405 Capitol Street, Suite 708, Charleston,
West Virginia 25301-1795, (304) 347-7000

Pittsburgh Office

412 Old Post Office Courthouse Building, 7th
Ave. and Grant St., Pittsburgh,
Pennsylvania 15219-1906, (412) 644-6388

Richmond Office

701 East Franklin Street, Richmond, Virginia
23219-2591, (804) 771-2721

Washington, DC Office

HUD Building, 451 Seventh Street, Room 3186,
Washington, DC 20410-5500, (202) 453-4534

Region IV

Atlanta Regional Office

Richard B. Russell Federal Building, 75 Spring
Street, S.W., Atlanta, Georgia 30303-3388,
(404) 331-5136

Birmingham Office

Daniel Building, 15 South 20th Street,
Birmingham, Alabama 35233-2096, (205)
254-1617

Columbia Office

Strom Thurmond Federal Building, 1835-45
Assembly Street, Columbia, South Carolina
29201-2480, (803) 765-5592

Greensboro Office

415 North Edgeworth Street, Greensboro,
North Carolina 27401-2107, (919) 333-5363

Jackson Office

U.S. Federal Building, 100 W. Capitol Street,
Suite 1096, Jackson, Mississippi 39269-1096,
(601) 965-4702

Jacksonville Office

325 West Adams Street, Jacksonville, Florida
32202, (904) 791-2626

Knoxville Office

One Northshore Building, 1111 Northshore
Drive, Knoxville, Tennessee 37919-4090,
(615) 558-1384

Louisville Office

601 West Broadway, P.O. Box 1044,
Louisville, Kentucky 40201-1044, (502) 582-
5251

Nashville Office

One Commerce Place, Suite 1600, Nashville,
Tennessee 37239-1600, (615) 251-5213

Region V

Chicago Regional Office

300 South Wacker Drive, Chicago, Illinois
60606-8765, (312) 353-5680

Cincinnati Office

Federal Office Building, 550 Main Street,
Cincinnati, Ohio 45202, (513) 684-2884

Cleveland Office

One Playhouse Square, 1375 Euclid Avenue,
Room 420, Cleveland, Ohio 44114-1670,
(216) 522-4065

Columbus Office

200 North High Street, Columbus, Ohio 43215-
2499, (614) 469-7345

Detroit Office

McNamara Federal Building, 477 Michigan
Avenue, Detroit, Michigan 48226-2592, (313)
226-7900

Grand Rapids Office

2922 Fuller Avenue, N.E., Grand Rapids,
Michigan 49505-3409, (616) 456-2216

Indianapolis Office

151 North Delaware Street, P.O. Box 7047,
Indianapolis, Indiana 46204-2526, (317) 269-
6303

Milwaukee Office

Henry S. Reuss Federal Plaza, 310 West
Wisconsin Avenue, Suite 1380, Milwaukee,
Wisconsin 53203-2290, (414) 291-1493

Minneapolis-St. Paul Office

220 Second Street, South, Bridge Place
Building, Minneapolis, Minnesota 55401-
2195, (612) 349-3000

Region VI

Fort Worth Regional Office

1600 Throckmorton, Post Office Box 2905,
Fort Worth, Texas 76113-2905, (817) 885-
5401

Houston Office

National Bank of Texas Bldg., 2211 Norfolk,
Suite 300, Houston, Texas, 77098-4096,
(713) 229-3950

Little Rock Office

320 West Capitol, Suite 700, Little Rock,
Arkansas 72201, (501) 378-5931

New Orleans Office

1661 Canal Street, P.O. Box 70288, New
Orleans, Louisiana 70172-0288, (504) 569-
2300

Oklahoma City Office

Murrah Federal Building, 200 N.W. 5th Street,
Oklahoma City, Oklahoma 73102-3202,
(405) 231-4181

San Antonio Office

Washington Square Building, 800 Dolorosa,
P.O. Box 9163, San Antonio, Texas 78285,
(512) 229-6781

Region VII**Kansas City Regional Office**

Professional Building, 1103 Grand Avenue,
Kansas City, Missouri 64104, (816) 374-2661

Des Moines Office

Federal Building, 210 Walnut Street, Room
259, Des Moines, Iowa 50309, (515) 284-4512

Omaha Office

Braiker/Brandeis Building, 210 South 16th
Street, Omaha, Nebraska 68102-1622, (402)
221-3703

St. Louis Office

210 North Tucker Boulevard, St. Louis,
Missouri 63101-1997, (314) 425-4761

Region VIII**Denver Regional Office**

Executive Tower Building, 1405 Curtis Street,
Denver, Colorado 80202-2349, (303) 844-
4513

Region IX**San Francisco Regional Office**

Federal Building, 450 Golden Gate Avenue,
Post Office Box 36003, San Francisco,
California 94102-3448, (415) 556-4752

Honolulu Office

300 Ala Moana Boulevard, Room 3318,
Honolulu, Hawaii 96850-4991, (808) 546-
2136

Los Angeles Office

1615 W. Olympic Boulevard, Los Angeles,
California 90015-3801, (213) 251-7122

Phoenix Office

One North First Street, 3rd Fl., Post Office
Box 13468, Phoenix, Arizona 85002-3468,
(602) 261-4434

Sacramento Office

777 12th Street, Suite 200, P.O. Box 1978,
Sacramento, California 95809-1978, (916)
551-1351

Region X**Seattle Regional Office**

Arcade Plaza Building, 1321 Second Avenue,
Seattle, Washington 98101-2054, (206) 442-
5414

Anchorage Office

701 C Street, Box 64, Module G, Anchorage,
Alaska 99513-0001, (907) 271-4170

Portland Office

Cascade Building, 520 Southwest Sixth
Avenue, Portland, Oregon 97204-1596, (503)
221-2561

[FR Doc. 86-12443 Filed 6-4-86; 8:45 am]

BILLING CODE 4210-27-M

[Docket No. N-86-1609; FR-2248]

Housing Development Grant Program; List of Designated Eligible Areas

AGENCY: Office of the Assistant
Secretary for Housing—Federal Housing
Commissioner, HUD.

ACTION: Notice.

SUMMARY: In accordance with 24 CFR
850.13, this Notice lists those entities
that the Secretary has determined meet
the minimum standards for designated
eligible areas under the Housing and
Urban Development Grant Program.

FOR FURTHER INFORMATION CONTACT:
Jessica Franklin, Acting Director,
Housing Development Grant Division,
Room 6110, Department of Housing and
Urban Development, 451 Seventh Street,
SW., Washington, DC 20410-8000,
telephone (202) 755-6142. (This is not a
toll-free number.)

SUPPLEMENTARY INFORMATION: Section
301 of the Housing and Urban-Rural
Recovery Act of 1983 (Pub. L. 98-181,
approval November 30, 1983) added a
new section 17 to the United States
Housing Act of 1937 (the 1937 Act) (42
U.S.C. 1437(o)) which, among other
things, established the Housing
Development Grant Program.

Under the Program, HUD is authorized
to make grants to cities, counties and
other general purpose political
subdivisions of a State, or to a State,
acting on behalf of units of general local
government, to be used to support the
new construction or substantial
rehabilitation of primarily residential
rental projects. An application must fall
within one of three categories to receive
consideration for funding. The
application must be (1) from an
applicant located in a designated
eligible area (2) meet a special housing
need, or (3) advance a particular
neighborhood preservation purpose.
This Notice concerns designated eligible
areas, which section 17(d)(2) of the 1937
Act defines as areas determined by
HUD to be experiencing a severe
shortage of decent rental housing
opportunities for families and
individuals without other reasonable
and affordable housing alternatives in
the private market.

Section 17(d)(2) of the 1937 Act
requires HUD to establish minimum
standards for determining designated
eligible areas, taking into account
certain statutory conditions and other
objectively measurable conditions
specified by the Secretary. These
conditions are set out in 24 CFR
850.13(b) which also provides that from
time to time HUD will publish a Notice
in the Federal Register listing those

areas that have been so determined.
This Notice is published in accordance
with this requirement.

Areas which are not designated
eligible areas may still be considered for
Housing Development Grants for
projects that meet special housing needs
or advance neighborhood preservation
purposes (see the HDG Application
Packet, Revised, May, 1986 for
instructions on how to apply under these
circumstances. Cities, counties, towns,
townships, parishes, villages, cities and
other general purpose subdivisions of a
State may submit applications under the
special needs or neighborhood
preservation criteria on their own
behalf. States may also submit such
applications on behalf of, and with the
concurrence, of units of general local
government (see 24 CFR 850.15)).

The following is a list of those areas
that have been determined by HUD,
based upon current U.S. Census
estimates, to be designated eligible
areas. Because of Census updates, many
of the areas that were designated
eligible in the June 20, 1984, Notice will
not be eligible in this Notice. However,
such areas, with the exception of Urban
Counties, may submit an application
under the special housing needs or
neighborhood preservation procedures.
Urban Counties are no longer eligible to
apply in accordance with the current
statute. Counties, on the other hand, are
eligible. Many counties appear in this
Notice as designated eligible areas.
With the exception of eligible counties,
all eligible areas may be found by
identifying first the state, second the
county in which the desired area is
located and finally the community (city,
town, village, etc). Eligible counties, by
State, are found on a separate listing at
the end of the list for all other areas.

List of Designated Eligible Areas Other Than Eligible Counties

State of Alabama

Autauga County

Autaugaville Billingsley

Baldwin County

Bay Minette Loxely
Daphne Summerdale
Foley

Barbour County

Blue Springs Eufaula
Clayton Louisville
Clio

Bibb County

Brent West Blocton
Centreville

Blount County

All Good Nectar
Blountsville Rosa
Cleveland Snead
County Line Susan Moore
Hayden

<i>Bullock County</i>		<i>Elmore County</i>		<i>Lowndes County</i>	
Midway	Union Springs	Coosada	Millbrook	Benton	Lowndesboro
		Eclectic	Wetumpka	Fort Deposit	Mosses
<i>Butler County</i>		<i>Escambia County</i>		Hayneville	Whitehall
Georgiana	McKenzie			<i>Macon County</i>	
Greenville		Atmore	Pollard	Tuskegee	
<i>Calhoun County</i>		Flomaton		Franklin	Notasulga
Anniston	Hobson City	<i>Etowah County</i>		<i>Madison County</i>	
Blue Mountain	Ohatchee	Altoona	Ridgeville	Owens Cross Roads	
<i>Chambers County</i>		Gadsden	Sardis City	Triana	
Five Points	Lanett	Mountainboro	Walnut Grove	<i>Marengo County</i>	
Lafayette	Waverly	Reece City		Dayton	Myrtlewood
<i>Cherokee County</i>				Demopolis	Providence
Centre	Gaylesville	Belk	Glen Allen	Faunsdale	Sweetwater
<i>Chilton County</i>		Berry		Linden	Thomaston
Clanton	Thorsby	<i>Franklin County</i>		<i>Marion County</i>	
Maplesville		Hodges	Russellville	Guwin	
<i>Choctaw County</i>		Phil Campbell	Vina	<i>Marshall County</i>	
Gilbertown	Pennington	Red Bay		Union Grove	
Lisman	Silas	<i>Geneva County</i>		<i>Mobile County</i>	
Needham	Toxey	Black	Malvern	Prichard	
<i>Clarke County</i>		Coffee Springs	Samson	Satsuma	
Coffeeville	Grove Hill	Hartford	Slocumb	<i>Monroe County</i>	
Fulton	Thomasville	<i>Greene County</i>		Monroeville	
<i>Clay County</i>		Union		Vredenburgh	
Lineville		Boligee		<i>Montgomery County</i>	
<i>Cleburne County</i>		Forkland		Montgomery	
Edwardsville	Fruithurst	<i>Hale County</i>		<i>Morgan County</i>	
<i>Coffee County</i>		Akron	Moundville	Trinity	
Kinston	New Brockton	Greensboro	Newbern	<i>Perry County</i>	
<i>Colbert County</i>		Abbeville	Headland	Uniontown	
Leighton	Sheffield	Haleburg	Newville	<i>Pickens County</i>	
<i>Conecuh County</i>		<i>Houston County</i>		McMullen	
Castleberry	Repton	Ashford	Madrid	Memphis	
Evergreen		Cottonwood	Taylor	Reform	
<i>Coosa County</i>		Gordon	Webb	<i>Pike County</i>	
Goodwater	Rockford	Kinsey		Goshen	
<i>Covington County</i>		<i>Jackson County</i>		Troy	
Andalusia	Lockhart	Bridgeport	Paint Rock	<i>Randolph County</i>	
Carolina	Red Level	Dutton	Section	Wedowee	
County Line	River Falls	Hollywood	Stevenson	<i>Russell County</i>	
Floral	Sanford	Langston	Woodville	Phenix City	
Gantt		<i>Jefferson County</i>		<i>St. Clair County</i>	
<i>Crenshaw County</i>		Adamsville	Lipscomb	Ragland	
Brantley	Luverne	Bessemer	Maytown	Springville	
Dozier	Rutledge	Birmingham	Mulga	Whites Chapel	
<i>Cullman County</i>		Brighton	North Johns	<i>Shelby County</i>	
Colony	South Vinemont	Cardiff	Roosevelt City	Vincent	
Garden City	West Point	Fairfield	Trafford	Wilsonville	
Hanceville		Graysville	Warrior	<i>Sumter County</i>	
<i>Dale County</i>		<i>Lamar County</i>		Gainesville	
Ariton	Ozark	Lauderdale County		Geiger	
Daleville	Pinckard	Waterloo		<i>Talladega County</i>	
Grimes		<i>Lawrence County</i>		Talladega	
<i>Dallas County</i>		Courtland	North Courtland	Talladega Springs	
Orrville	Selma	Hillsboro	Town Creek	Waldo	
<i>De Kalb County</i>		<i>Lee County</i>		<i>Sumter County</i>	
Collinsville	Powells Crossroads	Opelika		Gainesville	
Hammondville	Shilo	<i>Limestone County</i>		Geiger	
Lakeview	Sylvania	Lester		<i>Talladega County</i>	
Mentone	Valley Head	Mooresville		Talladega	
Pine Ridge		Ardmore		Talladega Springs	
		Elkmont		Waldo	

Tallapoosa County

Alexander City	Goldville
Camp Hill	Jackson's Gap
Dadeville	New Site
Daviston	

Walker County

Carbon Hill	Nauvoo
Cordova	Oakman
Dora	Parrish
Eldridge	Sipsey
Kansas	

Washington County

Chatom	Millry
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Wilcox County

Camden	Pine Apple
Oak Hill	Pine Hill

Winston County

Addison	Arley
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*State of Alaska**Aleutian Islands Census*

Akutan	Unalaska
King Cove	Anchorage Borough
St. Paul	

Bethel Census Area

Akiachak	Kwethluk
Akiak	Lower Kalskag
Nunapitchuk	Napakiaak
Aniak	Napaskiak
Atmautluak	Newtok
Bethel	Nightmute
Chefornak	Quinhagak
Chuathbaluk	Toksook Bay
Eek	Tuluksak
Goodnews Bay	Tununak
Kasigluk	Upper Kalskag

Dillingham Census Area

Clark's Point	Newhalen
Dillingham	New Stuyahok
Ekwo	Port Heiden
Manokotak	Togiak

Kenai Peninsula Borough

Kachemak	Seldovia
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Ketchikan Gateway Borough

Saxman

Kobuk Census Area

Ambler	Kotzebue
Deering	Noorvik
Kiana	Selawik
Kivalina	Shungnak
Kobuk	

Kodiak Island Borough

Akhiok	Ouzinkie
Old Harbor	Port Lions

Matanuska-Susitna Borough

Houston

Nome Census Area

Brevig Mission	Shaktoolik
Diomedea	Shismaref
Elim	Stebbins
Gambell	Teller
Golovin	Unalakleet
Koyuk	Wales
St. Michael	White Mountain
Savoonga	

North Slope Borough

Anaktuvuk Pass	Point Hope
Nuiqsut	

Prince of Wales-Outer Ke

Craig	Kasaan
Hydaburg	

*Sitka Borough**Skagway-Yakutat-Angoon Census*

Angoon	Tenakee Springs
Hoonah	

Southeast Fairbanks Census

Eagle

Wade Hampton Census Area

Alakanuk	Mountain Village
Emmonak	Pilot Station
Fortuna Ledge	Russian Mission
Hooper Bay	Scammon Bay
Kotlik	Sheldon Point

Wrangell-Petersburg Census

Port Alexander

Yukon-Koyukuk Census Area

Allakaket	Koyukuk
Anvik	Nenana
Fort Yukon	Nikolai
Galena	Nulato
Holy Cross	Ruby
Huslia	Shageluk
Kaltag	Tanana

State of Arizona

Apache County	Springerville
St. Johns	

Cochise County

Bisbee	Tombstone
Douglas	Wilcox

Coconino County

Williams

Gila County

Miami	Winkelman
Payson	

Graham County

Pima	Thatcher
Safford	

Greenlee County

Duncan

La Paz County

Parker

Maricopa County

Avondale	Goodyear
Buckeye	Guadalupe
Chandler	Surprise
El Mirage	Toilesen
Gilbert	

Mohave County

Kingman

Navajo County

Holbrook	Winslow
Taylor Town	

Pima County

Marana	South Tucson
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Pinal County

Casa Grande	Kearny
Coolidge	Mammoth
Eloy	Superior
Florence	

Santa Cruz County

Nogales	Patagonia
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Yavapai County

Chino Valley	Cottonwood
Clarkdale	Jerome

Yuma County

San Luis	Wellton
Somerton	

*State of Arkansas**Arkansas county*

Almyra	Humphrey
De Witt	St. Charles
Gillett	Stuttgart

Ashley County

Fountain Hill	Parkdale
Hamburg	Portland
Montrose	Wilmot

Baxter County

Big Flat	Gassville
Cotter	

Benton County

Avoca	Gravette
Bethel Heights	Sulphur Springs
Decatur	

Boone County

Bergman	South Lead Hill
Everton	Zinc
Omaha	

Bradley County

Hermitage	Warren
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Calhoun County

Hampton	Thornton
Harrell	

Carroll County

Beaver	Eureka Springs
Blue Eye	Oak Grove

Chicot County

Dermott	Lake Village
Eudora	

Clark County

Gum Springs	Okolona
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Clay County

Corning	Piggott
Datto	Pollard
Greenway	Rector
Knobel	Success
Peach Orchard	

Cleburne County

Quitman

Cleveland County

Kingland	Rison
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Columbia County

Emerson	Taylor
McNeil	Waldo
Magnolia	

<i>Conway County</i>		<i>Jackson County</i>		<i>Newton County</i>	
Menifee	Plumerville	Amagon	Jacksonport	Jasper	Western Grove
Oppelo		Beedeville	Newport		
<i>Craighead County</i>		Campbells Station	Swifton	<i>Quachita County</i>	
Black Oak	Cash	Diaz	Tuckerman	Bearden	Louann
Bono	Lake City	Grubbs	Tupelo	Camden	Reader
Brookland	Monette			Chidester	Stephens
Caraway		<i>Jefferson County</i>		<i>Perry County</i>	
<i>Crawford County</i>		Alzheimer	Sherrill	Adona	Houston
		Pine Bluff	Wabbaseka	Bigelow	Perry
Alma	Mulberry	<i>Johnson County</i>		Casa	
Chester	Rudy	Clarksville	Lamar		
Dyer	Van Buren	Coal Hill		<i>Phillips County</i>	
Mountainburg				Elaine	Marvell
<i>Crittenden County</i>		<i>Lafayette County</i>		Helena	West Helena
Crawfordsville	Sunset	Bradley	Lewisville	Lake View	
Earle	Turrell	Buckner	Stamps		
Edmondson	West Memphis			<i>Pike County</i>	
Gilmore		<i>Lawrence County</i>		Antoine	Delight
<i>Cross County</i>		Alicia	Powhatan	Daisy	Murfreesboro
Cherry Valley	Parkin	Black Rock	Ravenden		
Hickory Ridge	Wynne	Hoxie	Sedgwick	<i>Poinsett County</i>	
<i>Dallas County</i>		Imboden	Smithville	Harrisburg	Marked Tree
		Minturn	Strawberry	Lepanto	Tyrone
Sparkman		Portia	Walnut Ridge		
<i>Desha County</i>		<i>Lee County</i>		<i>Polk County</i>	
Arkansas City	Mitchellville	Aubrey	Moro	Cove	Mena
Dumas	Reed	Haynes	Rondo	Grannis	Vandervoort
McGehee	Watson	Marianna		Hatfield	Wickes
<i>Drew County</i>		<i>Lincoln County</i>		<i>Pope County</i>	
Monticello	Winchester	Gould	Star City	Hector	Pottsville
Wilmar		<i>Little River County</i>		<i>Prairie County</i>	
<i>Faulkner County</i>		Foreman	Wilton	De Valls Bluff	Hazen
Enola	Mount Vernon	Ogden	Winthrop	Biscoe Town	Ulm
Greenbrier	Vilonia			<i>Pulaski County</i>	
Guy		Blue Mountain	Ratcliff	Wrightsville City	
<i>Franklin County</i>		Booneville	Scranton	<i>Randolph County</i>	
Altus	Denning	Magazine	Subiaco	Biggers	Ravenden Springs
Branch		Morrison Bluff		Maynard	Reyno
<i>Fulton County</i>		<i>Lonoke County</i>		O'Kean	
Mammoth Spring	Viola	Allport	England	<i>St. Francis County</i>	
<i>Garland County</i>		Auston	Humnoke	Caldwell	Madison
Hot Springs	Mountain Pine	Carlisle	Keo	Colt	Palestine
Lonsdale		Coy	Ward	Forrest City	Widener
<i>Grant County</i>		<i>Madison County</i>		Hughes	
Leola	Prattsville	St. Paul		<i>Saline County</i>	
Poyen		Flippin	Summit	Bauxite	Traskwood
<i>Greene County</i>		Pyatt		Haskell	
Lafe	Oak Grove Heights	Fouke	Texarkana	<i>Scott County</i>	
Marmaduke	Paragould	Garland		Waldron	
<i>Hempstead County</i>		<i>Mississippi County</i>		<i>Searcy County</i>	
Blevins	Patmos	Burdette	Manila	Gilbert	Marshall
Fulton	Washington	Dell	Marie	Leslie	
Ozan		Dyess	Osceola	<i>Sebastian County</i>	
<i>Hot Spring County</i>		Joiner	Victoria	Bonanza	Lavaca
Malvern	Rockport	Leachville	Wilson	Hackett	Mansfield
Perla		Luxora		Hartford	Midland
<i>Independence County</i>		<i>Monroe County</i>		Huntington	
Cushman	Oil Trough	Brinkley	Holly Grove	<i>Sevier County</i>	
Newark	Sulphur Rock	Clarendon	Roe	Gillham	Lockesburg
<i>Izard County</i>		<i>Montgomery County</i>		Horatio	
Calico Rock	Mount Pleasant	Black Springs	Norman	<i>Sharp County</i>	
Guion	Oxford	Mount Ida	Oden	Ash Flat	Hardy
Melbourne	Pineville	Bluff	Prescott	Cave City	Williford
		Bodcaw	Rosston	Evening Shade	
		Emmet	Willisville	Fifty Six	Mountainview

<i>Union County</i>		<i>Lake County</i>		<i>Santa Barbara County</i>	
Calion	Norphlet	Clearlake		Guadalupe	
El Dorado	Smackover				<i>Santa Clara County</i>
Huttig	Strong			Gilroy	San Jose
Junction City		<i>Los Angeles County</i>		Milpitas	
		Artesia	Los Angeles		<i>Santa Cruz County</i>
<i>Van Buren County</i>		Azusa	Lynwood		
Clinton	Shirley	Baldwin Park	Maywood		
Damascus		Bell	Montebello		
		Bell Gardens	Monterey Park		
<i>Washington County</i>		Carson	Norwalk	Santa Cruz	Scotts Valley
Elkins	Lincoln	Commerce	Paramount		<i>Siskiyou County</i>
Elm Springs	Tontitown	Compton	Pasadena		
Farmington	Winslow	Cudahy	Pico Rivera	Dorris	Fort Jones
		El Monte	Pomona	Etna	Montague
		Gardena	Rosemead		<i>Stanislaus County</i>
<i>White County</i>		Hawaiian Gardens	San Fernando		
Bald Knob	Kensett	Huntington Park	San Gabriel	Newman	Riverbank
Beebe	Letona	Industry	Santa Fe Springs	Patterson	Waterford
Bradford	McRae	Inglewood	South El Monte		
Garner	Pangburn	Irwindale	South Gate		<i>Sutter County</i>
Griffithville	Russell	Lawndale		Live Oak	
Higginson	West Point				<i>Tulare County</i>
<i>Woodruff County</i>		<i>Madera County</i>			
Augusta	McCrory	Chowchilla	Madera	Dinuba	Porterville
Cotton Plant	Patterson			Exeter	Tulare
Hunter		<i>Marin County</i>		Farmersville	Woodlake
		Ross		Lindsay	
<i>Yell County</i>					<i>Ventura County</i>
Belleville	Ola	<i>Mendocino County</i>		Fillmore	Santa Paula
Havana	Plainview	Fort Bragg	Willits	Oxnard	
		Point Arena			<i>Yolo County</i>
<i>State of California</i>				Winters	
<i>Alameda County</i>		<i>Merced County</i>			<i>State of Colorado</i>
Berkeley	Oakland	Dos Palos	Los Banos		<i>Adams County</i>
Newark		Livingston	Merced		
				Brighton	<i>Alamosa County</i>
<i>Amador County</i>		<i>Monterey County</i>		Alamosa	Hooper
Plymouth		Gonzales	Sand City		<i>Archuleta County</i>
		Greenfield	Seaside	Pagosa Springs	
<i>Butte County</i>		King City	Soledad		<i>Baca County</i>
Biggs	Oroville	Marina		Campo	Vilas
				Pritchett	Walsh
<i>Colusa County</i>		<i>Nevada County</i>		Two Buttes	
Colusa	Williams	Nevada City			<i>Bent County</i>
				Las Animas	
<i>Contra Costa County</i>		<i>Orange County</i>			<i>Boulder County</i>
Brentwood	Richmond	Buena Park	Placentia	Lyons	Ward
Pittsburg	San Pablo	Garden Grove	Stanton	Superior	
					<i>Chaffee County</i>
<i>Fresno County</i>		<i>Riverside County</i>		Buena Vista	
Firebaugh	Parlier	Blythe	Lake Elsinore		<i>Conejos County</i>
Fowler	Reedley	Coachella	Perris	Antonito	Sanford
Huron	Sanger	Indio	San Jacinto	La Jara	
Kingsburg	San Joaquin				<i>Costilla County</i>
Mendota	Selma	<i>San Benito County</i>		Blanca	San Luis
Orange Cove		Hollister	San Juan Bautista		<i>Crowley County</i>
				Crowley	Ordway
<i>Glenn County</i>		<i>San Bernardino County</i>		Olney Springs	Sugar City
Orland		Barstow	Montclair		<i>Custer County</i>
		Big Bear Lake	San Bernardino	Silver Cliff	Westcliffe
		Colton			<i>Delta County</i>
<i>Humboldt County</i>				Delta	Orchard City
Blue Lake	Rio Dell	<i>San Diego County</i>		Hotchkiss	
		Imperial Beach	San Diego		
<i>Imperial County</i>		National City			
Brawley	El Centro				
Calexico	Westmorland	<i>San Francisco County</i>			
Calipatria		San Francisco			
<i>Kern County</i>		<i>San Joaquin County</i>			
Arvin	Mariocopa	Ripon	Tracy		
Delano	Tehachapi	Stockton			
McFarland	Wasco				
		<i>San Luis Obispo County</i>			
<i>Kings County</i>		Grover City			
Avenal	Hanford				
Corcoran		<i>San Mateo County</i>			
		Daly City	South San Francisco		
		Redwood City			

<i>Denver County</i>		<i>Saguache County</i>		State of Florida	
Denver		Center	Saguache	<i>Alachua County</i>	
<i>Dolores County</i>		<i>San Miguel County</i>		Alachua	La Crosse
Dove Creek	Rico	Sawpit	Telluride	Archer	Micanopy
<i>Douglas County</i>		<i>Sedgwick County</i>		Hawthorne	Newberry
Larkspur	Parker	Sedgwick		High Springs	Waldo
<i>Elbert County</i>		<i>Teller County</i>		<i>Baker County</i>	
Elizabeth		Cripple Creek	Victor	Glen St. Mary	MacClenny
<i>El Paso County</i>		<i>Washington County</i>		<i>Bay County</i>	
Ramah		Otis		Springfield	
<i>Fremont County</i>		<i>Weld County</i>		<i>Bradford County</i>	
Brookside	Rockvale	Ault	Hudson	Brooker	Lawtey
Coal Creek	Williamsburg	Fort Lupton	Keenesburg	Hampton	Starke
Prospect Heights		Frederick	La Salle	<i>Brevard County</i>	
<i>Garfield County</i>		Garden City	Lochbute	Palm Shores	
Parachute		Grover	Milliken	<i>Broward County</i>	
<i>Gunnison County</i>		<i>Yuma County</i>		Dania	North Lauderdale
Crested Butte		Eckley	Yuma	<i>Calhoun County</i>	
<i>Huerfano County</i>		State of Connecticut		Altha	Blountstown
La Veta	Walsenburg	<i>Fairfield County</i>		<i>Citrus County</i>	
<i>Kiowa County</i>		Bridgeport		Crystal River	
Haswell		<i>Hartford County</i>		<i>Collier County</i>	
<i>Kit Carson County</i>		Hartford	Hartland Town	Everglades	
Flagler	Seibert	<i>Litchfield County</i>		<i>Columbia County</i>	
<i>La Plata County</i>		North Canaan Town	Salisbury Town	Fort White	Lake City
Bayfield	Ignacio	<i>Middlesex County</i>		<i>Dade County</i>	
<i>Las Animas County</i>		Deep River Town		Florida City	Miami Beach
Aguilar	Starkville	<i>New Haven County</i>		Hialeah	Opalocka
Kim	Trinidad	New Haven	Woodbridge Town	Homestead	South Miami
<i>Logan County</i>		<i>New London County</i>		Indian Creek	Sweetwater
Iliff		Jewett City	Norwich	Medley	West Miami
<i>Moffat County</i>		New London		Miami	
Dinosaur		<i>Tolland County</i>		<i>De Soto County</i>	
<i>Montezuma County</i>		Union Town	Vernon Town	Arcadia	
Dolores	Mancos	<i>Windham County</i>		<i>Dixie County</i>	
<i>Montrose County</i>		Danielson		Cross City	Horseshoe Beach
Naturita	Olathe	State of Delaware		<i>Duval County</i>	
<i>Morgan County</i>		<i>Kent County</i>		Baldwin	
Brush	Log Lane Village	Clayton	Magnolia	<i>Escambia County</i>	
<i>Otero County</i>		Frederica	Smyrna	South Flomaton	Pensacola
Cheraw	Manzanola	Harrington	Woodside	<i>Flagler County</i>	
Fowler	Rocky Ford	Little Creek		Bunnell	
La Junta		<i>New Castle County</i>		<i>Franklin County</i>	
<i>Phillips County</i>		Arden	New Castle	Apalachicola	Carrabelle
Haxtun	Paoli	Ardencroft	Odessa	<i>Gadsden County</i>	
<i>Prowers County</i>		Delaware City	Townsend	Chattahoochee	Havana
Granada	Lamar	Middletown	Wilmington	Greensboro	Quincy
Hartman County		<i>Sussex County</i>		Gretna	
<i>Pueblo County</i>		Blades	Greenwood	<i>Gilchrist County</i>	
Boone		Bridgeville	Laurel	Fanning Spring	Trenton
<i>Rio Grande County</i>		Ellendale	Milford	<i>Gulf County</i>	
Del Norte	Monte Vista	Frankford	Milton	Port St. Joe	Wewahitchka
<i>Routt County</i>		District of Columbia		Ward Ridge	
Yampa		<i>Washington</i>		<i>Hamilton County</i>	
		District of Columbia		Jasper	White Springs
				Jennings	

Bowling Green Wauchula	Hardee County Zolfo Springs	Dade City	Pasco County St. Leo	Fitzgerald	Ben Hill County
Clewiston	Hendry County Labelle	Bartow Davenport Dundee Eagle Lake Fort Meade	Polk County Frostproof Haines City Lake Wales Mulberry Polk City	Alapaha Enigma	Berrien County Nashville Ray City
Brooksville	Hernando County			Macon	Bibb County Payne
Avon Park	Highlands County Lake Placid	Crescent City Interlachen Palatka	Putnam County Pomona Park Welaka	Cochran	Bleckley County
Plant City	Hillsborough County Tampa	Hastings	St. John County St. Augustine	Hoboken	Brantley County Nahunta
Bonifay Esto Noma	Holmes County Ponce De Leon Westville	Fort Pierce	St. Lucie County	Morven	Brooks County Quitman
	Indian River County		Seminole County	Pembroke	Bryan County
Fellsmere	Jackson County Grand Ridge Greenwood Malone Marianna Sneads	Sanford	Sumter County Webster Wildwood	Brooklet Portal	Bulloch County Register Statesboro
Alford Bascom Campbellton Cottondale Graceville	Jefferson County	Bushnell Center Hill Coleman	Suwannee County Live Oak	Girard Midville	Burke County Sardis Waynesboro
Monticello	Lafayette County	Branford	Taylor County	Flovilla Jackson	Butts County Jenkinsburg
Mayo	Lake County Mascotte Montverde Mount Dora Umatilla	Perry	Union County Worthington Springs	Arlington Edison	Calhoun County Leary Morgan
Astatula Groveland Lady Lake Leesburg	Levy County Ingles Otter Creek Williston	Lake Butler Raiford	Volusia County Pierson	Kingsland	Camden County
Bronson Cedar Key Chiefland	Madison County Madison	De Land Oak Hill	Wakulla County Sopchoppy	Metter	Candler County Pulaski
Greenville	Manatee County	St. Marks	Walton County Paxton	Villa Rica	Carroll County Whitesburg
Palmetto	Marion County Reddick	De Funiak Springs Freeport	Washington County Wasau	Folkston	Charlton County Homeland
Dunnellon Ocala	Martin County	Chipley Vernon	State of Georgia	Savannah	Chatham County
Ocean Breeze Park	Nassau County	Baxley	Appling County Surrency	Cusseta	Chattahoochee County
Callahan	Okeechobee County	Pearson	Atkinson County Willacoochee	Lyerly	Chattooga County Menlo
Cinco Bayou	Orange County Okaland Winter Garden	Alma	Bacon County		Cherokee County Holly Springs Waleska
Okeechobee	Palm Beach County Riviera Beach South Bay West Palm Beach	Newton	Baker County		Clarke County Winterville
Apopka Bay Lake Eatonville		Milledgeville	Baldwin County		Clay County
		Auburn Carl	Barrow County Winder	Fort Gaines	Clinch County Homerville
Belle Glade Mangonia Park Pahokee		Euharlee Kingston	Bartow County Taylorsville White	Du Pont	Cobb County
				Powder Springs	Coffee County Douglas Nicholls

	<i>Colquitt County</i>		<i>Gilmer County</i>		<i>Johnson County</i>
Berlin	Moultrie	East Ellijay	Ellijay	Adrian	Wrightsville
Doerun	Norman Park			Kite	
Ellenton			<i>Glascocock County</i>		<i>Jones County</i>
	<i>Columbia County</i>	Edge Hill	Mitchell	Gray	
Grovetown	Harlem	Gibson			
	<i>Cook County</i>		<i>Glynn County</i>		<i>Lamar County</i>
Adel	Lenox	Brunswick		Aldora	Milner
Cecil	Sparks		<i>Gordon County</i>	Barnsville	
	<i>Coweta County</i>	Calhoun	Plainville		<i>Lanier County</i>
Grantville	Senoia	Fairmount	Resaca	Lakeland	
Newman	Turin		<i>Grady County</i>		<i>Laurens County</i>
	<i>Crawford County</i>	Cairo	Whigham	Cadwell	Dudley
Roberta			<i>Greene County</i>	Dexter	East Dublin
	<i>Crisp County</i>	Greensboro	White Plains	Dublin	Montrose
Arabi	Cordele	Siloam	Woodville		<i>Lee County</i>
	<i>Dawson County</i>	Union Point		Leesburg	Smithville
Dawsonville			<i>Gwinnett County</i>		<i>Liberty County</i>
	<i>Decatur County</i>	Dacula	Rest Haven	Gumbranch City	Riceboro
Attapulgus	Brinson	Lawrenceville		Midway	Walthourville
Bainbridge	Climax		<i>Habersham County</i>		<i>Lincoln County</i>
	<i>De Kalb County</i>	Baldwin		Lincolnton	
Lithonia	Pine Lake		<i>Hall County</i>		<i>Lowndes County</i>
	<i>Dodge County</i>	Clermont	Lula	Hahira	Remerton
Chauncey	Milan	Flowery Branch		Lake Park	Valdosta
Chester	Rhine		<i>Hancock County</i>		<i>McDuffie County</i>
Eastman		Sparta		Dearing	Thomson
	<i>Dooly County</i>		<i>Haralson County</i>		<i>McIntosh County</i>
Byromville	Unadilla	Buchanan		Darien	
Lilly	Vienna		<i>Harris County</i>		<i>Macon County</i>
Pinehurst				Ideal	Montezuma
	<i>Dougherty County</i>	Hamilton	Shiloh	Marshallville	Oglethorpe
Albany		Pine Mountain	Waverly Hall		<i>Madison County</i>
	<i>Early County</i>		<i>Hart County</i>	Colbert	Danielsville
Blakely	Jakin	Bowersville	Hartwell	Comer	Ila
Damascus			<i>Heard County</i>		<i>Marion County</i>
	<i>Effingham County</i>	Franklin		Buena Vista	
Guyton			<i>Henry County</i>		<i>Meriwether County</i>
	<i>Elbert County</i>	Hampton	McDonough	Gay	Manchester
Bowman	Elberton	Locust Grove	Stockbridge	Grenville	Warm Springs
	<i>Emanuel County</i>		<i>Houston County</i>	Lone Oak	Woodbury
Nunez	Summertown	Perry		Luthersville	
Oak Park	Swainsboro		<i>Irwin County</i>		<i>Miller County</i>
Stillmore	Twin City			Colquitt	
	<i>Evans County</i>	Ocilla			<i>Mitchell County</i>
Claxton	Hagan		<i>Jackson County</i>	Baconton	Pelham
Daisy		Arcade	Jefferson	Camilla	Sale City
	<i>Fannin County</i>	Braselton			<i>Monroe County</i>
Blue Ridge	Mineral Bluff		<i>Jasper County</i>	Forsyth	
McCaysville		Monticello	Shady Dale		<i>Montgomery County</i>
	<i>Fayette County</i>		<i>Jeff Davis County</i>	Ailey	Tarrytown
Brooks	Fayetteville	Denton	Hazlehurst	Higgston	Uvalda
	<i>Floyd County</i>		<i>Jefferson County</i>	Mount Vernon	
Rome		Avera	Stapleton		<i>Morgan County</i>
	<i>Forsyth County</i>	Bartow	Wadley	Bostwick	Madison
Cumming		Louisville	Wrens	Buckhead	Rutledge
	<i>Franklin County</i>		<i>Jenkins County</i>		<i>Murray County</i>
Lavonia	Royston	Millen		Eton	

<i>Muscogee County</i>		<i>Talbot County</i>		<i>Wayne County</i>	
Bibb City		Geneva	Talbotton	Jesup	Screven
		Junction City	Woodland	Odum	
<i>Newton County</i>		<i>Taliaferro County</i>		<i>Webster County</i>	
Covington	Newborn				
Mansfield	Porterdale	Crawfordville	Sharon	Weston	
<i>Oconee County</i>		<i>Tattnall County</i>		<i>Wheeler County</i>	
Bishop	North High Shoals	Cobbtown	Glennville	Alamo	Glenwood
		Collins	Manassas		
<i>Oglethorpe County</i>		<i>Taylor County</i>		<i>White County</i>	
Crawford	Maxeys			Cleveland	Helen
Lexington		Butler	Reynolds		
<i>Paulding County</i>		<i>Telfair County</i>		<i>Whitfield County</i>	
Dallas	Hiram				
		Helena	Lumber City	Cohutta	Varnell
<i>Peach County</i>		Jacksonville	Scotland	Tunnel Hill	
Byron	Fort Valley				
<i>Pickens County</i>		<i>Terrell County</i>		<i>Wilcox County</i>	
Talking Rock				Abbeville	Pitts
		Bronwood	Parrott	Pineview	Rochelle
<i>Pierce County</i>		Dawson	Sasser		
				<i>Wilkes County</i>	
<i>Pike County</i>		<i>Thomas County</i>		Rayle	Washington
Blackshear	Patterson			Tignall	
		Barwick	Ochlocknee		
<i>Polk County</i>		Boston	Pavo	<i>Wilkinson County</i>	
Concord	Molena	Coolidge	Thomasville		
Meansville	Williamson	Meigs		Allentown	McIntyre
				Gordon	Toombsboro
<i>Polk County</i>		<i>Tift County</i>		Irwinton	
Aragon	Rockmart				
Cedartown		Omega	Ty Ty	Poulan	Worth County
		Tifton		Sumner	Sylvester
<i>Pulaski County</i>					Warwick
Hawkinsville		<i>Toombs County</i>		<i>State of Hawaii</i>	
		Lyons	Vidalia	<i>Hawaii County</i>	
<i>Putnam County</i>		<i>Towns County</i>		<i>Honolulu County</i>	
Eatonton				<i>Kauai County</i>	
		Young Harris		<i>Maui County</i>	
<i>Quitman County</i>				<i>State of Idaho</i>	
Georgetown		<i>Treutlen County</i>		<i>Adams County</i>	
<i>Rabun County</i>				Council	
Tiger					
		Hogansville	West Point		
<i>Randolph County</i>		La Grange			
				<i>Bannock County</i>	
<i>Richmond County</i>				Arimo	McCammon
Coleman	Shellman	Ashburn	Sycamore	Lava Hot Springs	
Cuthbert		Rebecca			
<i>Schley County</i>		<i>Turner County</i>		<i>Bear Lake County</i>	
Augusta					
		Danville	Jeffersonville	Montpelier	
<i>Screven County</i>					
Ellaville		Blairsville		Plummer	
<i>Seminole County</i>		<i>Union County</i>		<i>Benewah County</i>	
Hiltonia	Rocky Ford				
Newington	Sylvania			Blackfoot	
Oliver					
<i>Spalding County</i>		<i>Upson County</i>		<i>Bingham County</i>	
Donalsonville	Iron City				
		The Rock	Yatesville	Idaho City	
<i>Stephens County</i>		Thomaston			
Griffin	Sunny Side			Blackfoot	
Orchard Hill					
<i>Stewart County</i>		<i>Walker County</i>		<i>Boise County</i>	
Lumpkin	Richland	La Fayette	Linwood		
Omaha					
<i>Sumter County</i>		<i>Walton County</i>		<i>Bonner County</i>	
Americus	De Soto				
Andersonville	Plains	Between	Monroe	Clark Fork	Sandpoint
		Jersey	Social Circle	Kootenai	
		Loganville	Walnut Grove		
<i>Talbot County</i>		<i>Ware County</i>		<i>Bonneville County</i>	
				Ucon	
		Waycross			
<i>Taliaferro County</i>		<i>Warren County</i>		<i>Boundary County</i>	
		Norwood	Warrenton	Moyie Springs	
<i>Tattnall County</i>					
		<i>Washington County</i>		<i>Butte County</i>	
		Davisboro	Riddleville	Butte City	
		Harrison	Sandersville		
		Oconee	Tennille		
				Melba	Notus
				Middleton	Parma
				Nampa	Wilder

<i>Caribou County</i>		<i>Teton County</i>		<i>Christian County</i>	
Grace		Tetonia		Palmer	Ricks Township
<i>Cassia County</i>		<i>Twins Falls County</i>		Bear Creek Township	Rosemond Township
Declo	Oakley	Castleford	Hollister	Greenwood Township	Bullpit
Malta				King Township	Jeiseyville
<i>Clark County</i>		<i>Valley County</i>		Mosquito Township	Kincaid
Dubois		Donnelly		Mount Auburn Township	
<i>Clearwater County</i>		<i>Washington County</i>		<i>Clark County</i>	
Elk River		Midvale	Weiser	Anderson Township	Marshall Township
<i>Custer County</i>		<i>State of Illinois</i>		Auburn Township	Melrose Township
Challis	MacKay	<i>Adams County</i>		Darwin Township	Parker Township
Clayton		Beverly Township	Keene Township	Douglas Township	York Township
<i>Elmore County</i>		Camp Point	Liberty	Johnson Township	
Glenns Ferry		Camp Point Township	Liberty Township	<i>Clay County</i>	
<i>Franklin County</i>		Clayton	Lima	Bible Grove Township	Flora
Clifton	Preston	Clayton Township	Lima Township	Blair Township	Oakaloosa Township
Franklin	Weston	Columbus Township	McKee Township	Harter Township	Pixley Township
Oxford		Concord Township	Mendon	Iola	Xenia
<i>Fremont County</i>		Columbus	La Prairie	Larkinsburg Township	Xenia Township
Ashton	St. Anthony	Houston Township	Plainville	Sailor Township	
Newdale	Teton	Loraine	Richfield Township	<i>Clinton County</i>	
<i>Gem County</i>		<i>Alexander County</i>		Clement Township	Santa Fe Township
Emmett		Cairo	Thebes	Keyesport	Wade Township
<i>Gooding County</i>		Tamms		Albers	Wheatfield Township
Gooding	Hagerman	<i>Bond County</i>		<i>Coles County</i>	
<i>Idaho County</i>		Burgess TOWNSHIP	Old Ripley Township	Ashmore	Hutton Township
Cottonwood	Stites	LaGrange Township	Pleasant Mound Township	Ashmore Township	Morgan Township
Kooskia	White Bird	Pocahontas	Sorento	Oakland	Seven Hickory Township
<i>Jefferson County</i>		Mills Township	Shoal Creek Township	<i>Cook County</i>	
Lewisville	Rigby	Mulberry Grove	Tamalco Township	Chicago Heights	Summit
Menan	Ririe	Mulberry Grove Township	Pierron	East Chicago Heights	Harvey
Mud Lake	Roberts	Old Ripley		Chicago	Robbins
<i>Jerome County</i>		<i>Boone County</i>		Franklin Park	Maywood
Eden	Hazelton	Boone Township	Spring Township	Willow Springs	Stone Park
<i>Kootenai County</i>		LeRoy Township		Hodgkins	Phoenix
Athol	Huetter	<i>Brown County</i>		<i>Crawford County</i>	
Dalton Gardens	Rathdrum	Buckhorn Township	Mount Sterling Township	Honey Creek Township	Montgomery Township
Hayden Lake	Spirit Lake	Cooperstown Township	Pea Ridge Township	Licking Township	Stoy
<i>Latah County</i>		Elkhorn Township	Ripley Township	Martin Township	
Onaway		Missouri Township	Versailles	<i>Cumberland County</i>	
<i>Lemhi County</i>		Mount Sterling	Versailles Township	Cottonwood Township	Woodbury Township
Leadore	Salmon	<i>Bureau County</i>		Crooked Creek Township	
<i>Lewis County</i>		Arispie Township	Fairfield Township	<i>De Kalb County</i>	
Reubens		Bureau Township	Ladd	Kingston	Somonauk Township
<i>Minidoka County</i>		Dover	Mineral	Pierce Township	South Grove Township
Acequia	Minidoka	Buda	Wheatland Township	<i>De Witt County</i>	
Heyburn	Rupert	<i>Calhoun County</i>		Creel Township	Wilson Township
<i>Nez Perce County</i>		Brussels	Hardin	Rutledge Township	
Lapwai		Hamburg		<i>Douglas County</i>	
<i>Owyhee County</i>		<i>Carroll County</i>		Bourbon Township	Sargent Township
Homedale	Marsing	Cherry Grove-Shannon	Fairhaven Township	Hindsboro	
<i>Payette County</i>		Tow	Freedom Township	<i>Edgar County</i>	
Fruitland	Payette	Elkhorn Grove Township	Wysox Township	Brouillets Creek Twp	Vermilion
<i>Power County</i>		Chadwick	Thomson	Buck Township	Shiloh Township
Rockland		<i>Cass County</i>		Edgar Township	Metcalf
<i>Shoshone County</i>		Arenzville	Panther Creek Township	Redmon	Young America Township
Smelterville		Arenzville Township	Philadelphia Township	Brocton	
		Hagener Township	Sangamon Valley Township	<i>Edwards County</i>	
		Newmansville Township		Bone Gap	
		Chandlerville		<i>Effingham County</i>	
		<i>Champaign County</i>		Shumway	Montrose
		Broadlands	Royal	Banner Township	St. Francis Township
		Ayers Township	Longview	Liberty Township	Union Township
		Crittenden Township	Raymond Township	Lucas Township	West Township
		Harwood Township	Sadorus	Edgewood	
		Ivesdale	Stanton Township		

Fayette County

Bear Grove Township Ramsey
Bowling Green Township Ramsey Township
Carson Township Seminary Township
Hurricane Township Shafter Township
Kaskaskia Township Bingham
Loudon Township South Hurricane
Otego Township Township
Pope Township Wheatland Township
Brownstown

Ford County

Pella Township Cabery

Franklin County

Barren Township Orient
Hanaford Denning Township
Benton Township Eastern Township
Benton Ewing Township
Buckner Northern Township
West City Royalton
Browning Township North City
Thompsonville Tyrone Township
Cave Township

Fulton County

Banner Table Grove
St. David Liverpool
Deerfield Township Orion Township
Farmers Township Union Township
Marietta Vermont Township
Harris Township Waterford Township
Joshua Township Woodland Township
Lee Township

Gallatin County

Bowlesville Township North Fork Township
Eagle Creek Township Shawneetown
Equality Omaha
Equality Township Omaha Township
Gold Hill Township Old Shawneetown
New Haven Shawnee Township
New Haven Township

Greene County

Athensville Township Rockbridge
Eldred Roodhouse
Carrollton Roodhouse Township
Carrollton Township Rubicon Township
Kane Walkerville Township
Kane Township White Hall
Linder Township White Hall Township
Hillview Woodville Township
Wilmington Wrights Township
Patterson Township

Grundy County

Braceville Kinsman
Carbon Hill Highland Township
Goose Lake Township Nettle Creek Township

Hamilton County

Beaver Creek Township Mayberry Township
Belle Prairie City South Crouch Township
Crouch Township South Flannigan
Knight Prairie Township Township
McLeansboro Twigg Township
Macedonia

Hancock County

Bear Creek Township La Harpe Township
Bowen Pilot Grove Township
Chili Township Pontoosuc Township
Durham Township Rocky Run Township
Fountain Green West Point
Township St. Albans Township
Hancock Township Plymouth
Bently St. Mary Township
Harmony Township Wilcox Township

Hardin County

Cave-In-Rock Rosiclare
Elizabethtown

Henderson County

Bald Bluff Township Rozetta Township
Lomax Township Terre Haute Township

Henry County

Alba Township Cornwall Township
Andover Loraine Township
Andover Township Bishop Hill
Annawan Weller Township
Burns Township Yorktown Township

Iroquois County

Ash Grove Township Iroquois Township
Ashkum Lovejoy Township
Beaver Township Papineau
Beaverville Township Papineau Township
Concord Township Prairie Green Township
Fountain Creek Thawville
Township Stockland Township

Jackson County

Ava Kinkaid Township
Degogina Township Levan Township
Dowell Makanda
Elville Ora Township
Elk Township Gorham
Grand Tower Sand Ridge Township
Grand Tower Township

Jasper County

Hidalgo Wheeler
Grove Township Ste Marie Township
Hunt City Township Smallwood Township

Jefferson County

Blissville Township Grand Prairie Township
Nason McClellan Township
Elk Prairie Township Mount Vernon Township
Farrington Township Belle Rive
Field Township Webber Township

Jersey County

English Township Fieldon
Otterville Richwood Township
Grafton Ruyle Township

Jo Daviess County

Apple River Rice Township
Apple River Township Stockton
Berreman Township Thompson Township
Council Hill Township Wards Grove Township

Johnson County

Belknap New Burnside

Kane County

Burlington Pingree Grove
Elburn

Kankakee County

Aroma Park Pembroke
Sun River Terrace Pembroke Township
Momence Township Reddick

Kendall County

Lisbon Little Rock Township
Plano

Knox County

Cedar Township Indian Point Township
Chestnut Township Victoria
Elba Township Maquon
Abingdon Maquon Township
Galesburg Township Rio
Haw Creek Township Rio Township
Henderson Victoria Township

Lake County

Hainesville Newport Township
Long Grove

La Salle County

Leland Meriden Township
Dimmick Township Rutland Township
Freedom Township North Utica
Grand Rapids Township Utica Township

Lawrence County

Allison Township Lukin Township
Birds Petty Township
Bond Township Russellville
Sumner Russell Township
Christy Township

Lee County

Bradford Township Marion Township
East Grove Township South Dixon Township
Hamilton Township Viola Township

Livingston County

Fayette Township Waldo Township
Reading Township

Logan County

Corwin Township Hartsburg
Eminence Township

McDonough County

Blandinsville Township Eldorado Township
Blandinsville Hire Township
Colchester Industry Township
Colchester Township Tennessee Township

McLean County

Cropsey Township Lawndale Township
Downs Township West Township

Macon County

Decatur Township Oakley Township
Niantic

Macoupin County

Barr Township North Otter Township
Eagarville North Palmyra Township
East Gillespie Standard City
Wilsonville Scottville
Dorchester Scottville Township
Mount Clare Palmyra
Royal Lakes Shaws Point Township
Hillyard Township South Otter Township
Honey Point Township South Palmyra Township

Madison County

Alhambra New Douglas
South Roxana New Douglas Township
Foster Township Williamson
Pontoon Beach Madison
Hartford Venice
Nameoki Township Venice Township

Marion County

Alma Omega Township
Alma Township Patoka
Central City Romine Township
Foster Township Junction City
Iuka Sandoval
Iuka Township Sandoval Township
Kinmundy Stevenson Township
Kinmundy Township

Marshall County

Hopewell Township Richland Township
La Prairie Township Whitefield Township

Mason County

Allen Grove Township Havana Township
Forest City Township Kilbourne Township
Havana Lynchburg Township

Manito Township Topeka
Mason City Quiver Township
Pennsylvania Township Sherman Township

Massac County

Metropolis

Mercer County

Seaton Joy
Abington Township Millersburg Township
Duncan Township New Boston
Eliza Township New Boston Township
Keithsburg Perryton Township
Keithsburg Township Sherrard

Monroe County

Columbia Valmeyer
Maestown Waterloo

Montgomery County

Ohlman Irving Township
Audubon Township Coalton
Butler Grove Township Pitman Township
Fillmore Township Witt
Donnellson South Fillmore Township
Grisham Township Walshville
Harvel Walshville Township
Harvel Township Witt Township
Irving

Morgan County

Chapin Woodson

Moultrie County

Jonathan Creek Gays
Township Whitley Township
Sullivan

Ogle County

Brookville Township Lincoln Township
Eagle Point Township Adeline
Grand Detour Township Maryland Township
Leaf River Monroe Township
Leaf River Township Davis Junction

Peoria County

Mapleton Millbrook Township
Hollis Township Trivoli Township
Bartonville

Perry County

St. Johns Willisville

Pike County

Atlas Township Montesuma Township
Barry Township Baylis
Chambersburg Township New Salem
Derry Township New Salem Township
Barry Pearl
Detroit Pearl Township
Florence Perry
Detroit Township Perry Township
Fairmount Township Pleasant Hill
Valley City Pleasant Hill Township
Flint Township New Canton
Hadley Township Pleasant Vale Township
Time Ross Township
Hardin Township Nebo
Hull Spring Creek Township
Kinderhook Township

Pope County

Eddyville Hamletsburg

Pulaski County

Karnak Olmstead
Mound City Pulaski
Mound Ullin

Randolph County

Baldwin Rockwood
Evansville

Richland County

Claremont

Rock Island County

Bowling Township Rock Island Township
Buffalo Prairie Township Rural Township
Carbon Cliff

St. Clair County

Washington Park Lenzburg Township
Canteen Township National City
Alorton Mascoutah
Centreville Mascoutah Township
Centreville Township Prairie Du Long
East St. Louis Township
East St. Louis Township Brooklyn
Lebanon Township Stites Township
Lenzburg East Carondelet

Saline County

Carriers Mills Long Branch Township
Carriers Mills Township Mountain Township
Cottage Township Raleigh
Eldorado Rector Township
East Eldorado Township Stonefort Township
Galatia Township Tate Township
Independence Township

Sangamon County

Illioipolis Berlin
Illioipolis Township Grandview

Schuyler County

Birmingham Township Huntsville Township
Brooklyn Township Littleton
Browning Littleton Township
Browning Township Oakland Township
Camden Woodstock Township
Camden Township

Scott County

Alsey Naples
Bluffs

Shelby County

Cold Spring Township Lakewood Township
Flat Branch Township Penn Township
Herrick Sigel Township
Herrick Township Tower Hill
Holland Township Tower Hill Township

Stark County

Valley Township

Stephenson County

Dakota Winslow
Dakota Township

Tazewell County

South Pekin Malone Township

Union County

Alto Pass Dongola
Cobden

Vermilion County

Carroll Township Pilot Township
Danville Township Sidell
Belgium Sidell Township
Danville Henning
Potomac Fairmount
Muncie Vance Township

Wabash County

Allendale

Warren County

Ellison Township Swan Township
Roseville Tompkins Township

Washington County

Ashley Du Bois Township
Ashley Township Johannesburg Township
Bolo Township Lively Grove Township
Du Bois Pilot Knob Township
New Minden

Wayne County

Sims Hickory Hill Township
Arrington Township Jasper Township
Barnhill Township Keith Township
Berry Township Jeffersonville
Big Mound Township Lamard Township
Elm River Township Massillon Township
Four Mile Township Mount Erie
Grover Township Wayne City
Fairfield Orel Township

White County

Burnt Prairie Township Heralds Prairie
Maunie Township
Hawthorne Township

Whiteside County

Clyde Township Hahnman Township
Coleta Portland Township
Genesee Township Tampico Township
Deer Grove Township Ustick Township

Will County

Custer Township Godley
Florence Township Will Township
Romeoville

Williamson County

Bush Johnston City
Colp Pittsburg
Creal Springs Whiteash
Hurst Freeman Spur

Winnebago County

Durand Machesney Park
Durand Township Morristown

Woodford County

Kansas Township Bay View Gardens

*State of Indiana**Adams County*

Blue Creek Township Wabash Township
Jefferson Township

Allen County

Marion Township Springfield Township

Bartholomew County

German Township Jonesville
Hope

Benton County

Ambia Earl Park
Hickory Grove Township Richland Township
Paris Grove Township Union Township

Blackford County

Jackson Township

Boone County

Advance Washington Township

Brown County

Jackson Township

Carroll County

Camden

Clark County

Oregon Township Washington Township
Union Township

Clay County

Jackson Township Harmony
Carbon Washington Township

Clinton County

Kirklin Township Owen Township

Crawford County

Alton Ohio Township
Boone Township Milltown
Carefree English
Leavenworth Sterling Township
Jennings Township Union Township
Marengo Whiskey Run Township
Liberty Township

Daviess County

Cannelburg Elmore Township
Montgomery Alfordville
Barr Township Reeve Township
Bogard Township Van Buren Township
Elora

Dearborn County

West Harrison Lawrenceburg
Harrison Township Manchester Township
Jackson Township Moores Hill
Greendale

Decatur County

Milford Newport
Clay Township Salt Creek Township
Jackson Township Westport

De Kalb County

Butler Township Corunna
Waterloo Richland Township
Newville Township Stafford Township

Delaware County

Center Township Liberty Township
Muncie Gaston

Dubois County

Boone Township Marion Township

Fayette County

Connorsville Township Orange Township
Jackson Township

Fountain County

Hillsboro Newtown
Kingman Wabash Township
Mellott

Franklin County

Bath Township Oldenburg
Fairfield Township Mount Carmel
Laurel Springfield Township
Laurel Township Whitewater Township
Posey Township

Fulton County

Fulton Union Township
Kewanna Wayne Township

Gibson County

Patoka White River Township

Grant County

Green Township Jonesboro
Upland

Greene County

Newberry Linton
Cass Township Taylor Township
Switz City Washington Township
Smith Township Jacksonville
Stafford Township Wright Township

Hancock County

Jackson Township

Harrison County

Blue River Township Taylor Township
Boone Township New Amsterdam
Mauckport Washington Township
Palmyra

Hendricks County

Pittsboro

Henry County

Mooreland Cadiz
Straughn New Castle
Dudley Township Springport
Greensboro

Huntington County

Polk Township Wayne Township
Union Township

Jackson County

Carr Township Owen Township
Driftwood Township Pershing Township
Grassy Fork Township Salt Creek Township
Hamilton Township

Jasper County

Barkley Township Walker Township
Hanging Grove Township

Jay County

Bear Creek Township Noble Township
Jackson Township Pennville
Knox Township Wabash Township
Salamonia

Jefferson County

Graham Township Saluda Township
Hanover Shelby Township
Brooksbury Smyrna Township
Milton Township

Jennings County

Bigger Township Lovett Township
North Vernon Marion Township
Center Township Sand Creek Township
Columbia Township Vernon
Geneva Township Vernon Township

Johnson County

Blue River Township Whiteland
Edinburg

Knox County

Oaktown Steen Township
Busseron Township Edwardsport
Decker Township Bicknell
Harrison Township Vincennes
Decker Vincennes Township
Johnson Township Bruceville
Wheatland Widner Township

Kosciusko County

Claypool Burket
Jefferson Township Milford
Scott Township

LaGrange County

Clay Township Newbury Township
Clearspring Township Springfield Township
Eden Township

Lake County

Calumet Township East Chicago
Gary St. John
Lowell

La Porte County

Johnson Township Union Township
Lincoln Township Kingsbury

Lawrence County

Bono Township Pleasant Run Township
Guthrie Township Spice Valley Township
Perry Township

Marion County

Center Township Ravenswood
Castleton

Martin County

Center Township Lost River Township
Shoals Mitcheltree Township
Halbert Township Loogootee

Miami County

Union Township

Monroe County

Stinesville Bloomington Township
Bean Blossom Township Polk Township

Montgomery County

Brown Township Alamo
New Market

Morgan County

Adams Township Clay Township
Ashland Township Paragon
Bethany Ray Township

Newton County

Morocco Mount Ayr
Beaver Township McClellan Township

Ohio County

Pike Township Union Township

Orange County

French Lick Township Orangeville Township
Greenfield Township Stampers Creek
Northeast Township Township

Owen County

Clay Township Morgan Township
Franklin Township Gosport
Harrison Township Wayne Township
Marion Township

Parke County

Greene Township Reserve Township
Jackson Township Montezuma
Liberty Township Mecca
Raccoon Township Judson

Perry County

Clark Township Troy
Oil Township Union Township
Tobin Township

Pike County

Clay Township Madison Township
Lockhart Township Marion Township
Logan Township Winslow

Porter County

Pines Kouts

Posey County

Griffin Point Township
Bethel Township Cynthia
Moiunt Vernon Smith Township
Black Township

Pulaski County

Beaver Township Jefferson Township
Cass Township Rich Grove Township
Franklin Township Medaryville
Harrison Township White Post Township

Randolph County

Jackson Township Modoc
Stoney Creek Township Ward Township

Ripley County

Center Township Otter Creek Township
Franklin Township Shelby Township
Holton

Rush County

Anderson Township Glenwood
Jackson Township Richland Township
Noble Township Walker Township
Orange Township Washington Township

St. Joseph County

Indian Village Roseland

Scott County

Austin Johnson Township
Jennings Township Lexington Township

Shelby County

Morristown Hendricks Township

Spencer County

Hammond Township Luce Township
Huff Township

Starke County

Knox Railroad Township
Center Township

Steuben County

Orland Hudson
Millgrove Township Scott Township
Richland Township

Sullivan County

Fairbanks Township Hymera
Merom Jefferson Township
Haddon Township

Switzerland County

Craig Township Patriot
Vevay Posey Township
Jefferson Township York Township
Pleasant Township

Tippecanoe County

Battle Ground West Lafayette

Tipton County

Kempton

Union County

Brownsville Township Harrison Township
Harmony Township Union Township

Vanderburgh County

Pigeon Township

Vermillion County

Fairview Park Helt Township
Universal Newport
Cayuga Vermillion Township

Vigo County

Prairieton Township Sugar Creek Township
West Terre Haute

Wabash County

Lagro

Warren County

Adams Township West Lebanon
Jordan Township Warren Township
Medina Township

Warrick County

Boonville Tennyson
Boon Township Skelton Township
Campbell Township

Washington County

Campbellsburg Monroe Township
Brown Township Pierce Township
Franklin Township New Pekin
Gibson Township Polk Township
Howard Township Fredericksburg
Jefferson Township Vernon Township
Madison Township

Wayne County

Richmond Mount Auburn
Greene Township Fountain City
Harrison Township Economy
Cambridge City Perry Township
East Germantown Milton

Wells County

Liberty Township

White County

West Point Township

Whitley County

Richland Township Union Township

*State of Iowa**Adair County*

Orient

Adams County

Carbon

Allamakee County

Harpers Ferry Waterville

Appanoose County

Centerville Mystic
Cincinnati Numa
Exline Rathbun
Moravia Udell
Moulton Unionville

Audubon County

Exira

Benton County

Garrison Shellsburg
Norway

Black Hawk County

Evansdale

Boone County

Fraser Pilot Mound

Bremer County

Janesville Waverly
Plainfield

Buchanan County

Aurora Quasqueton
Brandon Stanley
Lamont

Butler County

New Hartford

Calhoun County

Farnhamville Rinard
Jolley Somers
Knierim Yetter
Pomeroy

Carroll County

Lanesboro Willey
Ralston

Cass County

Cumberland Massena
Griswold

Cerro Gordo County

Dougherty Rock Falls
Meservey Swaledale

Cherokee County

Quimby Washta

Chickasaw County

New Hampton

Clarke County

Murray Woodburn

Clay County

Dickens Peterson
Gillett Grove

Clayton County

Littleport Strawberry Point
McGregor Volga
Marquette

Clinton County

Andover Welton
Toronto Wheatland

Crawford County

Arion Ricketts
Buck Grove Schleswig
Deloit

Dallas County

Linden

Davis County

Drakesville Pulaski
Floris

Decatur County

Davis City Grand River
Decatur City Van Wert
Garden Grove Weldon

Delaware County

Delaware Hopkinton
Delhi Manchester
Dundee Masonville
Edgewood

Des Moines County

Middletown

Dickinson County

West Okoboji

Dubuque County

Farley New Vienna
Graf Sherrill
Luxemburg Zwingle

Emmet County

Dolliver

Fayette County

Arlington Fayette

Floyd County

Marble Rock

Franklin County

Alexander Popejoy

<i>Fremont County</i>		<i>Marion County</i>		<i>Union County</i>	
Riverton	Sidney	Bussey	Harvey	Afton	Lorimor
		Dallas	Marysville	Arispe	Shannon City
<i>Greene County</i>		Hamilton		Cromwell	Thayer
Paton			<i>Marshall County</i>	Kent	
		St. Anthony			<i>Van Buren County</i>
<i>Guthrie County</i>			<i>Mills County</i>	Birmingham	Mount Sterling
Bagley	Casey	Henderson	Pacific Junction	Milton	
			<i>Mitchell County</i>		<i>Wapello County</i>
<i>Hardin County</i>		Osage	Stacyville	Kirkville	
Radcliffe	Steamboat Rock		<i>Monona County</i>		<i>Warren County</i>
			Ute	Lacona	St. Marys
<i>Harrison County</i>		Castana		New Virginia	
Dunlap	Magnolia	Rodney			<i>Washington County</i>
Little Sioux	Mondamin		<i>Monroe County</i>	Ainsworth	Crawfordsville
		Melrose			<i>Wayne County</i>
<i>Henry County</i>			<i>Montgomery County</i>	Allerton	Promise City
Hillsboro	Rome	Coburg	Grant	Lineville	Seymour
		Elliott	Villisca	Millerton	
<i>Howard County</i>			<i>Muscatine County</i>		<i>Webster County</i>
Protivin			Stockton	Callender	Clare
			<i>Page County</i>		<i>Winnebago County</i>
<i>Humboldt County</i>			Northboro	Scarville	
Bradgate	Renwick		<i>Palo Alto County</i>	Ossian	<i>Winneshiek County</i>
Hardy			Graettinger		<i>Woodbury County</i>
			<i>Pocahontas County</i>	Antho	Hornick
<i>Ida County</i>				Bronson	Lawton
Arthur			<i>Polk County</i>	Correctionville	Smithland
					<i>Worth County</i>
<i>Iowa County</i>				Kensett	
Marengo					<i>Wright County</i>
				Galt	
<i>Jackson County</i>					<i>State of Kansas</i>
Andrew	Hurstville				<i>Allen County</i>
Baldwin	Springbrook			Elmore Township	La Harpe
Green Island				Geneva Township	Logan Township
				Bassett	
<i>Jasper County</i>					<i>Anderson County</i>
Valeria				Lincoln Township	Reeder Township
				Monroe Township	Kincaid
<i>Jefferson County</i>				North Rich Township	Rich Township
Batavia				Ozark Township	Westphalia Township
				Putnam Township	
<i>Johnson County</i>					<i>Atchison County</i>
Shueyville				Muscotah	Lancaster
				Grasshopper Township	Mount Pleasant
<i>Jones County</i>				Kapioma Township	Township
Morley	Onslow			Huron	Walnut Township
					<i>Barber County</i>
<i>Keokuk County</i>				Deerhead Township	Moore Township
Delta	Martinsburg			Eagle Township	Nippawalla Township
Hayesville	Richland			Elm Mills Township	Sun City
Hedrick	Thornburg			Hardtner	Sun City Township
				Elwood Township	Turkey Creek Township
<i>Kossuth County</i>				Lake City Township	
Lu Verne	Swea City				<i>Barton County</i>
				Beaver Township	South Homestead
<i>Linn County</i>				Cheyenne Township	Township
Coggon	Prairieburg			Clarence Township	Union Township
				Cleveland Township	Albert
<i>Louisa County</i>				Eureka Township	Walnut Township
Columbus City	Grandview			Lakin Township	Wheatland Township
Cotter	Oakville			Logan Township	
Fredonia				North Homestead	
				Township	
<i>Lucas County</i>					
Derby	Williamson				
Lucas					
<i>Lyon County</i>					
Doon	George				
<i>Madison County</i>					
Winterset					
<i>Mahaska County</i>					
Barnes City	University Park				

Bourbon County

Drywood Township
Franklin Township
Fulton
Freedom Township
Bronson
Redfield

Marmaton Township
Pawnee Township
Mapleton
Timberhill Township
Walnut Township

Brown County

Hamlin Township
Horton
Reserve
Irving Township
Mission Township
Morrill
Morrill Township

Padonia Township
Powhattan
Powhattan Township
Robinson Township
Fairview
Walnut Township
Everest

Butler County

Bloomington Township
Chelsea Township
Hickory Township
Lincoln Township
Leon
Logan Township

Murdock Township
Rosalia Township
Cassoday
Latham
Union Township

Chase County

Bazaar Township
Cedar Township
Cottonwood Township
Elmdale
Diamond Creek
Township

Falls Township
Homestead Township
Strong City
Toledo Township

Chautauqua County

Chautauqua
Peru
Belleville Township
Harrison Township
Elgin

Lafayette Township
Niotaze
Little Caney Township
Sedan

Cherokee County

Baxter Springs
Cherokee Township
Columbus
Galena
Lowell Township
Mineral Township
Neosho Township

Ross Township
Salamanca Township
Scammon
Sheridan Township
Spring Valley Township
Weir

Cheyenne County

Calhoun Township
Cherry Creek Township

Jaqua Township
Orlando Township

Clark County

Englewood
Englewood Township

Clay County

Athelstane Township
Blaine Township
Bloom Township
Chapman Township
Clay Center Township
Garfield Township
Goshen Township
Green

Mulberry Township
Oak Hill
Oakland Township
Wakefield
Republican Township
Sherman Township
Union Township

Cloud County

Arion Township
Buffalo Township
Colfax Township
Jamestown
Grant Township
Lawrence Township

Lyon Township
Meredith Township
Nelson Township
Oakland Township
Sibley Township

Coffey County

Avon Township
Hampden Township
Le Roy
Le Roy Township
Lebo
Lincoln Township

Neosho Township
Pleasant Township
Waverly
Spring Creek Township
Star Township

Cowley County

Beaver Township
Cedar Township
Fairview Township
Grant Township
Harvey Township
Richland Township
Rock Creek Township

Sheridan Township
Silverdale Township
Spring Creek Township
Tisdale Township
Cambridge
Windsor Township

Crawford County

Grant Township
McCune
Osage Township
Pittsburg
Cherokee

Walnut
Walnut Township
Arma
Washington Township

Decatur County

Allison Township
Bassettsville Township
Beaver Township
Center Township
Custer Township
Dresden
Dresden Township

Finley Township
Logan Township
Jennings
Lyon Township
Roosevelt Township
Sappa Township
Sherman Township

Dickinson County

Buckeye Township
Cheever Township
Flora Township
Holland Township
Solomon
Chapman

Noble Township
Sherman Township
Union Township
Wheatland Township
Willowdale Township

Doniphan County

Troy
Independence Township
White Cloud
Iowa Township
Denton

Union Township
Wayne Township
Leona
Severance
Wolf River Township

Douglas County

Lecompton Township
Wakarusa Township

Edwards County

Belpre
Belpre Township
Franklin Township
Lincoln Township

South Brown Township
Lewis
Wayne Township

Elk County

Elk Falls
Elk Falls Township
Howard
Howard Township

Liberty Township
Oak Valley Township
Painterhood Township
Paw Paw Township

Ellis County

Buckeye Township
Catherine Township
Ellis Township

Freedom Township
Wheatland Township

Ellsworth County

Ash Creek Township
Black Wolf Township
Clear Creek Township
Columbia Township
Ellsworth Township

Garfield Township
Green Garden Township
Lincoln Township
Sherman Township
Valley Township

Finney County

Garden City Township
Holcomb

Sherlock Township
Terry Township

Ford County

Concord Township
Fairview Township
Ford
Ford Township

Grandview Township
Royal Township
Sodville Township
Spearville

Franklin County

Hayes Township
Richmond
Richmond Township

Williamsburg
Williamsburg Township

Geary County

Jackson Township
Lyon Township

Smoky Hill Township

Gove County

Baker Township
Caeland Township
Gove City
Gove Township
Grainfield Township

Grinnell
Jerome Township
Larrabee Township
Payne Township

Graham County

Bryant Township
Gettysburg Township
Graham Township
Happy Township
Indiana Township

Morland (Part)
Morlan Township
Nicodemus Township
Pioneer Township
Wild Horse Township

Gray County

Ingalls
Ingalls Township

Greeley County

Horace

Greenwood County

Fall River Township
Hamilton
Janesville Township
Virgil
Lane Township
Otter Creek Township
Pleasant Grove
Township

Quincy Township
Salem Township
Fall River
Salt Springs Township
South Salem Township
Spring Creek Township
Severy
Twin Grove Township

Hamilton County

Bear Creek Township
Coolidge

Coolidge Township
Kendall Township

Harper County

Attica
Township No. 2

Township No. 3
Danville

Harvey County

Garden Township
Highland Township
Lake Township

Pleasant Township
Sedgwick Township

Haskell County

Lockport Township

Hodgeman County

Benton Township
Hallet Township

Sterling Township
Valley Township

Jackson County

Adrian Township
Mayetta
Hoyt
Denison

Circleville
Whiting
Whiting Township

Jefferson County

Oskaloosa Township

Jewell County

Allen Township
Athens Township
Browns Creek Township
Buffalo Township
Burr Oak Township
Calvin Township
Center Township
Erving Township
Esbon Township
Grant Township

Highland Township
Ionia Township
Jackson Township
Montana Township
Odessa Township
Randall
Prairie Township
Sinclair Township
Vicksburg Township
White Mound Township

Johnson County

Edgerton
McCamish Township

Shawnee Township
Westwood

Kearny County

Deerfield Southside Township
Kendall Township West Hibbard Township

Kingman County

Allen Township Cunningham
Belmont Township Kingman Township
Norwich Peters Township
Bennett Township Richland Township
Dale Township Zenda
Dresden Township Rochester Township
Eagle Township Union Township
Galesburg Township Valley Township

Labette County

Canada Township Labette
Chetopa Liberty Township
Edna Mound Valley
Fairview Township Mound Valley Township
Howard Township Richland Township

Lane County

Alamota Township Cleveland Township
Blaine Township White Rock Township

Leavenworth County

Alexandria Township

Lincoln County

Battle Creek Township Hanover Township
Cedron Township Highland Township
Franklin Township Madison Township
Golden Belt Township Orange Township
Grant Township

Linn County

Blue Mound Potosi Township
Blue Mound Township Scott Township
Parker Prescott
Liberty Township Sheridan Township
Mound City Stanton Township
Paris Township Valley Township
Pleasanton

Logan County

Elkader Township Winona
McAllaster Township Winona Township
Russell Springs
Russell Springs Township

Lyon County

Bushong Reading
Olpe Waterloo Township
Elmerdaro Township

McPherson County

Battle Hill Township Marquette
Harper Township New Gottland Township
Hayes Township Spring Valley Township
Jackson Township Union Township

Marion County

Catlin Township Lehigh Township
Clark Township Liberty Township
Lincolnville Logan Township
Clear Creek Township Lost Springs
Colfax Township Lost Springs Township
Durham Burns
Durham Park Township Milton Township
Fairplay Township Wilson Township
Grant Township

Marshall County

Balderson Township Elm Creek Township
Bigelow Township Franklin Township
Blue Rapids Herkimer Township
Blue Rapids City Lincoln Township
Township Logan Township
Center Township Axtell
Clear Fork Township Murray Township

Vermillion
Noble Township
Oketo Township
Richland Township
Summerfield
Rock Township

Meade County

Fowler Township Mertilla Township
Logan Township Sand Creek Township

Miami County

Richland Township Stanton Township

Mitchell County

Asherville Township Tipton
Beloit Township Pittsburg Township
Center Township Salt Creek Township
Hunter Solomon Rapids
Custer Township Township
Hayes Township Turkey Creek Township

Montgomery County

Caney Drum Creek Township
Cherryvale Elk City
Tyro Louisburg Township
Coffeyville Rutland Township

Morris County

Highland Township Township No. 5
Dunlap Township No. 7
Township No. 1 Township No. 8
White City

Morton County

Richfield

Nemaha County

Adams Township Neuchatel Township
Center Township Red Vermillion
Clear Creek Township Township
Oneida Reilly Township
Gilman Township Richmond Township
Goff Rock Creek Township
Harrison Township Bern
Corning Washington Township
Marion Township Wetmore
Mitchell Township Wetmore Township
Nemaha Township

Neosho County

Canville Township Mission Township
Chetopa Township Shiloh Township
Grant Township Walnut Grove Township
Ladore Township

Ness County

Bazine Highpoint Township
Eden Township Johnson Township
Franklin Township Ohio Township

Norton County

Almena Lenora
Almena—District 4 Highland—District 2
Township Township
Harrison—District 6 Solomon—District 3
Township Township

Osage County

Arvon Township Melvern
Barclay Township Olivet
Dragoon Township Olivet Township
Grant Township Scranton
Lincoln Township Scranton Township

Osborne County

Bloom Township Penn Township
Corinth Township Downs
Delhi Township Ross Township
Hawkeye Township Round Mound Township
Jackson Township Winfield Township
Liberty Township

St. Bridget Township
Frankfort
Vermillion Township
Walnut Township
Wells Township

Ottawa County

Blaine Township Grant Township
Buckeye Township Tescott
Chapman Township Morton Township
Concord Township Delphos
Fountain Township Sherman Township
Garfield Township Stanton Township

Pawnee County

Ash Valley Township Pawnee Township
Conkling Township Pleasant Valley
Grant Township Township
Keysville Township River Township
Lincoln Township Santa Fe Township
Morton Township Sawmill Township
Orange Township

Phillips County

Arcade Township Mound Township
Bow Creek Township Plum Township
Crystal Township Prairie View Township
Dayton Township Rushville Township
Deer Creek Township Glade
Glenwood Township Solomon Township
Granite Township Sumner Township
Greenwood Township Towanda Township
Kirwin Valley Township
Kirwin Township

Pottawatomie County

Olsburg Onaga
Blue Valley Township Mill Creek Township
Center Township Pottawatomie Township
Clear Creek Township St. Clere Township
Emmett St. George
Emmett Township Sherman Township
Havensville Spring Creek Township
Grant Township Vienna Township

Pratt County

Township No. 9

Rawlins County

Achilles Township Jefferson Township
Center Township McDonald
Driftwood Township Rocewood Township

Reno County

Albion Township Medford Township
Arlington Turon
Bell Township Miami Township
Castleton Township Ninnescan Township
Partridge Plevna
Center Township Plevna Township
Enterprise Township Roscoe Township
Grove Township Sumner Township
Hayes Township Troy Township
Langdon Abbyville
Langdon Township Yoder Township

Republic County

Narka Grant Township
Albion Township Jefferson Township
Beaver Township Liberty Township
Big Bend Township Lincoln Township
Courtland Cuba
Courtland Township Scandia
Farmington Township White Rock Township
Freedom Township

Rice County

Bell Township Pioneer Township
Center Township Sterling Township
East Washington Alden
Township Valley Township
Galt Township Geneseo
Mitchell Township Wilson Township
Odessa Township

Riley County

Leonardville Jackson Township
Bala Township Madison Township
Center Township May Day Township
Fancy Creek Township Swede Creek Township
Randolph

Rooks County

Township No. 4 Palco
 Township No. 6 Township No. 8
 Damar Zurich
 Township No. 7

Rush County

Alexander Hampton-Fairview
 Alexander-Belle Prairie Township
 Banner Township Bison
 Rush Center Lone Star Township
 Center Township Pleasantdale Township
 McCracken Union Township

Russell County

Center Township Luray Township
 Fairfield Township Paradise
 Lucas Paradise Township
 Fairview Township Waldo
 Grant Township Winterset Township
 Luray

Saline County

Falun-Summit Township Solomon Township
 Assaria Washington Township

Scott County

Beaver Township Michigan Township

Sedgwick County

Illinois Township

Seward County

Seward Township

Sheridan County

Adell Township Union Township
 Prairie Dog Township Valley Township
 Solomon Township

Sherman County

Logan Township Kanorado
 Smoky Township

Smith County

Beaver Township Martin Township
 Kensington Lebanon
 Cedar Township Oak Township
 Cora Township Pawnee Township
 Dor Township Pleasant Township
 Garfield Township Swan Township
 Harlan Township Valley Township
 Lincoln Township White Rock Township
 Logan Township

Stafford County

Byron Township Stafford
 Clear Creek Township Stafford Township
 Cleveland Township Union Township
 Fairview Township West Cooper Township
 Richland Township York Township
 Rose Valley Township

Sumner County

Avon Township Falls Township
 Bluff Township Geuda Springs
 Chikaskia Township Hunnewell
 Creek Township Valverde Township
 Downs Township Wellington Township

Thomas County

Barrett Township North Randall Township
 Menlo Rexford
 Menlo Township Smith Township

Trego County

Ogallah Township Riverside Township

Wabaunsee County

Mission Creek Township Wabaunsee Township
 Rock Creek Township

Wallace County

Harrison Township Wallace Township
 Sharon Springs Weskan Township
 Sharon Springs Township

Washington County

Barnes Highland Township
 Barnes Township Kimeo Township
 Charleston Township Lincoln Township
 Coleman Township Logan Township
 Franklin Township Morrowville
 Grant Township Mill Creek Township
 Greenleaf Palmer
 Greenleaf Township Sherman Township
 Haddam Strawberry Township
 Haddam Township Mahaska
 Hanover Washington Township
 Hanover Township

Wilson County

Altoona Guilford Township
 Cedar Township Neodesha
 Chetopa Township Pleasant Valley
 Buffalo Township
 Clifton Township Talleyrand Township
 Colfax Township Coyville
 Duck Creek Township Verdigris Township
 Fredonia Webster Township
 Benedict

Woodson County

Eminence Township Neosho Falls Township
 Liberty Township Owl Creek Township
 Neosho Falls

*Wyandotte County**State of Kentucky**Adair County*

Columbia

Allen County

Scottsville

Ballard County

Barlow Wickliffe
 Kevil

Barren County

Cave City Park City
 Hiseville

Bath County

Owingsville Sharpsburg
 Salt Lick

Bell County

Middlesborough Pineville

Bourbon County

Millersburg Paris

Boyd County

Catlettsburg

Boyle County

Junction City

Bracken County

Augusta Foster
 Brooksville

Breathitt County

Jackson

Breckinridge County

Cloverport Irvington
 Hardinsburg

Bullitt County

Lebanon Junction

Butler County

Rochester

Calloway County

Hazel

Campbell County

Bellevue Melbourne
 California Newport
 Dayton Wilder

Carlisle County

Arlington Bardwell

Carroll County

Ghent Sanders
 Prestonville Worthville

Carter County

Grayson Olive Hill

Casey County

Liberty

Christian County

Crofton Pembroke

Clark County

Winchester

Clay County

Manchester

Clinton County

Albany

Crittenden County

Marion

Cumberland County

Burkesville

Daviess County

Whitesville

Edmonson County

Brownsville

Elliott County

Sandy Hook

Estill County

Irvine Ravenna

Fleming County

Ewing Flemingsburg

Floyd County

Allen Wayland
 Martin Wheelwright

Fulton County

Fulton Hickman

Gallatin County

Glencoe Warsaw
 Sparta

Garrard County

Lancaster

Grant County

Corinth Dry Ridge

<i>Graves County</i>		<i>Logan County</i>		<i>Powell County</i>	
Mayfield	Wingo	Adairville	Lewisburg	Clay City	Stanton
Water Valley		Auburn			
<i>Grayson County</i>		<i>McCracken County</i>		<i>Pulaski County</i>	
Caneyville	Clarkson	Paducah		Eubank	Science Hill
<i>Green County</i>		<i>McLean County</i>		Ferguson	Somerset
Greensburg		Calhoun	Livermore	<i>Robertson County</i>	
<i>Hancock County</i>		Island	Sacramento	Mount Olivet	
Hawesville		<i>Madison County</i>		<i>Rockcastle County</i>	
<i>Hardin County</i>		Richmond		Brodhead	Mount Vernon
Sonora	Vine Grove	<i>Magoffin County</i>		Livingston	
Upton	West Point	Salysersville		<i>Rowan County</i>	
<i>Harlan County</i>		<i>Marion County</i>		Morehead	
Benham	Harlan	Bradfordsville	Loretto	<i>Russell County</i>	
Comberland	Wallins Creek	Lebanon		Jamestown	Russell Springs
Evarts		<i>Martin County</i>		<i>Scott County</i>	
<i>Harrison County</i>		Inez	Warfield	Georgetown	Stamping Ground
Berry	Cynthiana	<i>Mason County</i>		Sadieville	
<i>Hart County</i>		Dover	Sardis	<i>Shelby County</i>	
Bonnieville	Munfordville	Germantown	Washington	Shelbyville	
Horse Cave		Maysville		<i>Simpson County</i>	
<i>Henry County</i>		<i>Meade County</i>		Franklin	
Eminence	Pleasureville	Ekron	Muldraugh	<i>Spencer County</i>	
Lockport		<i>Mercer County</i>		Taylorsville	
<i>Hickman County</i>		Burgin	Harrodsburg	<i>Todd County</i>	
Clinton	Columbus	<i>Metcalfe County</i>		Elkton	Trenton
<i>Hopkins County</i>		Edmonton		Guthrie	
Dawson Springs	Morton Gap	<i>Monroe County</i>		<i>Trigg County</i>	
Earlington	St. Charles	Fountain Run	Tompkinsville	Cadiz	
Hanson	White Plains	<i>Montgomery County</i>		<i>Trimble County</i>	
<i>Jefferson County</i>		Camargo	Mount Sterling	Bedford	
Louisville	Minor Lane Heights	Jeffersonville		<i>Union County</i>	
Middletown City		<i>Morgan County</i>		Waverly	
<i>Jessamine County</i>		West Liberty		<i>Waren County</i>	
Nicholasville		<i>Muhlenberg County</i>		Bowling Green	Oakland
<i>Kenton County</i>		Bremen	Powderly	<i>Washington County</i>	
Bromley	Ludlow	Central	South Carrollton	Mackville	Willisburg
Covington	Visalia	Drakesboro		Springfield	
Latonia Lakes		<i>Nelson County</i>		<i>Wayne County</i>	
<i>Larue County</i>		Bardstown	Fairfield	Monticello	
Hodgenville		Bloomfield	New Haven	<i>Webster County</i>	
<i>Lawrence County</i>		<i>Nicholas County</i>		Clay	Sebree
Blaine	Louisa	Carlisle		Dixon	Wheatcroft
<i>Lee County</i>		<i>Ohio County</i>		Providence	
Beattyville		Beaver Dam	McHenry	<i>Whitley County</i>	
<i>Leslie County</i>		Fordsville	Rockport	Williamsburg	
Hyden		Hartford		<i>Wolfe County</i>	
<i>Letcher County</i>		<i>Owen County</i>		Campton	
Fleming-Neon	Whitesburg	Gratz	Owenton	<i>Woodford County</i>	
Jenkins		<i>Owsley County</i>		Midway	
<i>Lewis County</i>		Booneville			
Tollesboro	Vanceburg	<i>Pendleton County</i>			
<i>Lincoln County</i>		Butler	Falmouth		
Crab Orchard	Stanford	<i>Perry County</i>			
Hustonville		Hazard	Vicco		
<i>Livingston County</i>		<i>Pike County</i>			
Salem	Smithland	Elkhorn City	Pikeville		

State of Louisiana**Acadia Parish**

Church Point Mermentau
Crowley Morse
Estherwood Rayne

Allen Parish

Kinder Reeves
Oberlin

Ascension Parish

Donaldsonville Sorrento

Assumption Parish

Napoleonville

Avoyelles Parish

Bunkie Marksville
Cottonport Moreauville
Evergreen Simmesport
Mansura

Beauregard Parish

De Ridder

Bienville Parish

Arcadia Lucky
Bryceland Mount Lebanon
Castor Ringgold
Gibsland Saline

Bossier Parish

Plain Dealing

Caddo Parish

Belcher Oil City
Gilliam Rodessa
Greenwood Shreveport
Hosston

Calcasieu Parish

De Quincy

Caldwell Parish

Clarks Columbia

Catahoula Parish

Harrisonburg Sicily Island
Jonesville

Claiborne Parish

Athens Homer
Haynesville Lisbon

Concordia Parish

Clayton Vidalia
Ferryday

De Soto Parish

Keatchie Mansfield
Logansport South Mansfield
Longstreet Stanley

East Carroll Parish

Lake Providence

East Feliciana Parish

Clinton Slaughter
Norwood Wilson

Evangeline Parish

Basile Pine Prairie
Chataignier Turkey Creek
Mamou Ville Platte

Franklin Parish

Baskin Winnsboro
Gilbert Wisner

Grant Parish

Colfax Montgomery
Dry Prong Pollock
Georgetown

Iberia Parish

Jeanerette New Iberia

Iberville Parish

Grosse Tete Rosedale
Maringouin White Castle
Plaquemine

Jackson Parish

Chatham Hodge
East Hodge North Hodge
Eros

Jefferson Parish

Grand Isle Westwego
Gretna

Jefferson Davis Parish

Elton Jennings
Fenton

Lafayette Parish

Broussard Duson
Carencro Youngsville

LaFourche Parish

Lockport Thibodaux

La Salle Parish

Olla Tullos

Lincoln Parish

Choudrant Vienna

Livingston Parish

Springfield Walker

Madison Parish

Richmond Tallulah

Morehouse Parish

Bastrop Collinston
Bonita Mer Rouge

Natchitoches Parish

Ashland Natchitoches
Campti Powhatan
Clarence Provencal
Goldonna Rodeline
Natchez

Orleans Parish

New Orleans

Ouachita Parish

Monroe Richwood

Pointe Coupee Parish

Fordoche Morganza
Livonia New Roads

Rapides Parish

Alexandria Forest Hill
Boyce LeCompte
Cheneyville Woodworth

Red River Parish

Coushatta Hall Summit

Richland Parish

Delhi Rayville
Mangham

Sabine Parish

Converse Many
Fisher Pleasant Hill
Florien Zwolle

St. Helena Parish

Greensburg Montpelier

St. James Parish

Gramercy Lutchter

St. Landry Parish

Arnaudville Opelousas
Eunice Palmetto
Grand Coteau Port Barre
Krotz Springs Sunset
Leonville Washington
Melville

St. Martin Parish

Breaux Bridge Parks
Henderson St. Martinville

St. Mary Parish

Baldwin Morgan City
Franklin Patterson

St. Tammany Parish

Abita Springs Madisonville
Covington Pearl River
Folsom Sun

Tangipahoa Parish

Amite City Ponchatoula
Hammond Roseland
Independence Tangipahoa
Kentwood Tickfaw

Tensas Parish

Newellton Waterproof
St. Joseph

Terrebonne Parish

Houma

Union Parish

Bernice Lillie
Farmerville Marion
Junction City

Vermilion Parish

Abbeville Gueydan
Delcambre Kaplan
Erath Maurice

Vernon Parish

Anacoco Simpson
Leesville

Washington Parish

Angie Franklinton
Bogalusa

Webster Parish

Cullen Shongaloo
Heflin Sibley
Minden Springhill

West Baton Rouge Parish

Addis Port Allen

West Carroll Parish

Epps Oak Grove
Forest Pioneer
Kilbourne

West Feliciana Parish

St. Francisville

*Winn Parish*Calvin
Dodson*State of Maine**Androscoggin County*

Livermore Falls Town Sabattus Town

Aroostook County

Allagash Town	Merrill Town
Amity Town	Monticello Town
Bancroft Town	Moro Plantation
Blaine Town	Nashville Plantation
Bridgewater Town	New Canada Town
Caribou	New Limerick Town
Cary Plantation	Oakfield Town
Caswell Plantation	Orient Town
Crystal Town	Oxbow Plantation
Cyr Plantation	Perham Town
Dyer Brook Town	Reed Plantation
Easton Town	St. Agatha Town
Fort Fairfield Town	St. Francis Town
Fort Kent Town	St. John Plantation
Frenchville Town	Sherman Town
Garfield Plantation	Smyrna Town
Grand Isle Town	Van Buren Town
Haynesville Town	Wade Town
Hersey Town	Washburn Town
Houlton Town	Westfield Town
Linneus Town	Westmanland Plantation
Littleton Town	Weston Town
Ludlow Town	Winterville Plantation
Mapleton Town	Woodland Town
Mars Hill Town	

Cumberland County

Baldwin Town	Portland
Brunswick Town	Pownal Town
Freeport Town	Westbrook
Harrison Town	

Franklin County

Avon Town	New Vineyard Town
Carthage Town	Phillips Town
Chesterville Town	Rangeley Town
Industry Town	Strong Town
Kingfield Town	Temple Town
Madrid Town	Weld Town

Hancock County

Amherst Town	Orland Town
Aurora Town	Osborn Plantation
Brooksville Town	Otis Town
Bucksport Town	Penobscot Town
Dedham Town	Sedgwick Town
Franklin Town	Stonington Town
Frenchboro Town	Surry Town
Gouldsboro Town	Swans Island Town
Lamoine Town	Tremont Town
Mariaville Town	Waltham Town

Kennebec County

Albion Town	Vassalboro Town
Chelsea Town	Vienna Town
Clinton Town	Waterville
Monmouth Town	Windsor Town

Knox County

Appleton Town	Rockland
Camden Town	Union Town
Cushing Town	Vinalhaven Town
Hope Town	Warren Town
Isle Au Haut Town	Washington Town
Owls Head Town	

Lincoln County

Alna Town	Bremen Town
Boothbay Town	Bristol Town

Damariscotta Town
Dresden Town
Edgecomb Town
Jefferson Town
Monhegan Plantation
Nobleboro Town

Somerville Town
Waldoboro Town
Westport Town
Whitefield Town
Wiscasset Town

Oxford County

Andover Town	Oxford Town
Byron Town	Paris Town
Greenwood Town	Porter Town
Hartford Town	Stow Town
Hebron Town	Sumner Town
Hiram Town	Upton Town
Mexico Town	Waterford Town
Newry Town	West Paris Town
Otisfield Town	Woodstock Town

Penobscot County

Alton Town	Lagrange Town
Bradford Town	Lakeville Plantation
Burlington Town	Lee Town
Carmel Town	Levant Town
Carroll Plantation	Lincoln Town
Charleston Town	Mount Chase Plantation
Chester Town	Newport Town
Corinna Town	Orono Town
Corinth Town	Patten Town
Dexter Town	Penobscot Indian Island
Dixmont Town	Plymouth Town
Drew Plantation	Prentiss Plantation
Edinburg Town	Springfield Town
Exeter Town	Stacyville Town
Greenbush Town	Stetson Town
Howland Town	Webster Plantation
Kenduskeag Town	Winn Town

Piscataquis County

Abbot Town	Parkman Town
Blanchard Plantation	Sangerville Town
Lake View Plantation	Sebec Town
Medford Town	Wellington Town
Monson Town	Willmantic Town

Sagadahoc County

Arrowsic Town	Phippsburg Town
Bowdoin Town	Richmond Town

Somerset County

Anson Town	Highland Plantation
Athens Town	Madison Town
Bingham Town	Moscow Town
Brighton Plantation	New Portland Town
Cambridge Town	Palmyra Town
Canaan Town	Ripley Town
Caratunk Plantation	St. Albans Town
Cornville Town	Skowhegan Town
Embden Town	Smithfield Town
Fairfield Town	Solon Town
Harmony Town	Starks Town
Hartland Town	West Forks Plantation

Waldo County

Belfast	Northport Town
Belmont Town	Palermo Town
Brooks Town	Prospect Town
Burnham Town	Searsmont Town
Frankfort Town	Searsport Town
Freedom Town	Stockton Springs Town
Islesboro Town	Swanville Town
Jackson Town	Thorndike Town
Knox Town	Troy Town
Monroe Town	Unity Town
Montville Town	Waldo Town

Washington County

Addison Town	Cherryfield Town
Alexander Town	Columbia Town
Beals Town	Columbia Falls Town
Beddington Town	Crawford Town
Calais	Cutler Town
Centerville Town	Danforth Town
Charlotte Town	Deblois Town

Dennysville Town
East Machias Town
Eastport
Grand Lake Stream
Plantation
Harrington Town
Jonesport Town
Lubec Town
Machias Town
Machiasport Town
Marshfield Town
Milbridge Town

Northfield Town
Pembroke Town
Perry Town
Plantation No. 21
Princeton Town
Robbinston Town
Steuben Town
Topsfield Town
Wesley Town
Whiting Town
Whitneyville Town

York County

Hollis Town	Parsonsfield Town
Lebanon Town	Sanford Town
Newsfield Town	

*State of Maryland**Allegany County*

Barton	Lonaconing
Cumberland	Midland

Calvert County

North Beach

Caroline County

Denton	Marydel
Greensboro	Ridgely

Carroll County

Manchester	Mount Airy
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Cecil County

Cecilton	Port Deposit
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Dorchester County

Cambridge	East New Market
Church Creek	

Frederick County

Burkittsville

Garrett County

Deer Park	Loch Lynn Heights
Friendsville	Oakland
Kitzmillerville	

Kent County

Chestertown	Millington
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Montgomery County

Laytonsville

Prince George's County

Capitol Heights	Morningside
Colmar Manor	North Brentwood
District Heights	Seat Pleasant
Farimount Heights	Upper Marlboro

Queen Anne's County

Queen Anne	Templeville
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*St. Mary's County**Somerset County*

Crisfield

Talbot County

St. Michaels	Trappe
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Washington County

Hancock	Sharpsburg
Keedysville	Smithburg

Wicomico County

Delmar	Pittsville
Fruitland	

Worcester County

Berlin Baltimore

*State of Massachusetts**Barnstable County*

Provincetown Town

Berkshire County

Lanesborough Town Sandisfield Town
 Lenox Town Savoy Town
 North Adams Sheffield Town
 Peru Town Washington Town

Bristol County

Dighton Town New Bedford Town
 Fall River Town Swansea Town

Essex County

Essex Town Salisbury Town
 Lawrence West Newbury Town
 Lynn

Franklin County

Ashfield Town Shelburne Town
 Heath Town Sunderland Town
 Leverett Town Warwick Town

Hampden County

Holyoke Springfield
 Russell Town Tolland Town

Hampshire County

Amherst Town Huntington Town
 Cummington Town Middlefield Town
 Hadley Town Northampton
 Hatfield Town

Middlesex County

Cambridge

Norfolk County

Holbrook Town

Plymouth County

Brockton Marion Town

Suffolk County

Boston Chelsea

Worcester County

Hardwick Town New Braintree Town
 Lancaster Town Paxton Town
 Millbury Town

*State of Michigan**Alcona County*

Caledonia Township Harrisville Township
 Curtis Township Hawes Township
 Greenbush Township Haynes Township
 Gustin Township Millen Township
 Lincoln

Alger County

Burt Township Munising Township
 Limestone Township Rock River Township
 Mathias Township

Allegan County

Clyde Township Manlius Township
 Ganges Township Douglas
 Heath Township Trowbridge Township
 Lee Township Wayland Township

Alpena County

Green Township Ossineke Township
 Long Rapids Township Wilson Township

Antrim County

Central Lake Bellaire
 Central Lake Township Jordan Township
 Chestonia Township Mancelona Township
 Echo Township Torch Lake Township

Arenac County

Adams Township Mason Township
 Arenac Township Moffatt Township
 Au Gres Township Omer
 Clayton Township Twining
 Sterling Sims Township
 Deep River Township Turner
 Lincoln Township Turner Township

Baraga County

Arvon Township Lanse Township
 Baraga Spurr Township
 Baraga Township

Barry County

Barry Township Orangeville Township
 Freeport Woodland

Bay County

Bay City Mount Forest Township
 Gibson Township

Benzie County

Beulah Honor
 Blaine Township Thompsonville
 Colfax Township Inland Township
 Elberta Joyfield Township
 Gilmore Township Weldon Township

Berrien County

Bainbridge Township Gallien Township
 Benton Township Hagar Township
 Coloma Township Niles
 Berrien Springs Oronoko Township
 Eau Claire Sodus Township

Branch County

Butler Township Union City
 Gilead Township Sherwood

Calhoun County

Albion Township Burlington
 Athens Springfield

Cass County

Cassopolis Newberg Township
 La Grange Township Vandalia
 Marcellus Wayne Township

Charlevoix County

Chandler Township Norwood Township
 Hudson Township St. James Township
 Marion Township Wilson Township

Cheboygan County

Aloha Township Mentor Township
 Burt Township Munro Township
 Cheboygan Nunda Township
 Forest Township Wolverine
 Grant Township Walker Township
 Hebron Township Waverly Township
 Koehler Township Wilmot Township

Chippewa County

Bay Mills Township Sault Sainte Marie
 Dafer Township Sugar Island Township
 Drummond Township Superior Township
 Hulbert Township Trout Lake Township
 Pickford Township Whitefish Township
 Raber Township

Clare County

Arthur Township Hayes Township
 Franklin Township Lincoln Township
 Frost Township Redding Township
 Greenwood Township Surrey Township
 Hamilton Township Winterfield Township

Clinton County

Fowler Riley Township
 Eagle St. Johns
 Lebanon Township

Crawford County

Beaver Creek Township Maple Forest Township
 Grayling

Delta County

Cornell Township Garden Township
 Ensign Township Maple Ridge Township
 Fairbanks Township Masonville Township
 Garden Nahma Township

Dickinson County

Breen Township

Eaton County

Benton Township Sunfield
 Chester Township Sunfield Township
 Hamlin Township

Emmet County

Friendship Township Pellston
 McKinley Township

Genesee County

Argentine Township Gaines
 Atlas Township Gaines Township
 Flint Mount Morris
 Otisville Mount Morris Township

Gladwin County

Bourrett Township Gladwin
 Buckeye Township Gladwin Township
 Clement Township Grim Township

Gogebic County

Erwin Township Watersmeet Township
 Ironwood

Grand Traverse County

Fife Lake Kingsley
 Fife Lake Township Paradise Township
 Grant Township Whitewater Township
 Mayfield Township

Gratiot County

Arcada Township North Shade Township
 Emerson Township Pine River Township
 Perrinton St. Louis
 Lafayette Township Wheeler Township
 New Haven Township

Hillsdale County

Adams Township Fayette Township
 Allen Jefferson Township
 Allen Township Litchfield Township
 Amboy Township Moscow Township
 Camden Pittsford Township
 Montgomery Reading
 Camden Township Woodbridge Township
 Jonesville

Houghton County

South Range Houghton
 Adams Township Laird Township
 Calumet Osceola Township
 Copper City Quincy Township
 Laurium Lake Linden
 Duncan Township Schoolcraft Township
 Franklin Township Torch Lake Township

Huron County

Uby Dwight Township
 Bingham Township Fairhaven Township
 Bloomfield Township Gore Township
 Owendale Kinde
 Brookfield Township Huron Township
 Chandler Township Lincoln Township

Meade Township
Paris Township
Port Hope
Rubicon Township
Sand Beach Township

Sebewaing
Sebewaing Township
Sheridan Township
Sherman Township
Verona Township

Ingham County

Aurelius Township
Bunker Hill Township
Dansville
Webberville
Leslie Township

Locke Township
Stockbridge
Stockbridge Township
White Oak Township

Ionia County

Danby Township
Keene Township
Pewamo
Hubbardston
North Plains Township

Lake Odessa
Odessa Township
Orleans Township
Ronald Township

Iosco County

Baldwin Township
Reno Township

Sherman Township
Whittemore

Iron County

Caspian
Gaastra

Manfield Township
Alpha

Isabella County

Chippewa Township
Coldwater Township
Denver Township
Fremont Township

Gilmore Township
Rolland Township
Wise Township

Jackson County

Hanover
Hanover Township
Henrietta Township

Jackson
Leoni Township

Kalamazoo County

Galesburg
Kalamazoo

Vicksburg

Kalkaska County

Blue Lake Township
Clearwater Township
Excelsior Township

Kalkaska
Orange Township
Springfield Township

Kent County

Cedar Springs
Courtland Township
Gaines Township
Grand Rapids

Lowell Township
Nelson Township
Sparta

Keweenaw County

Ahmeek
Allouez Township

Grant Township
Sherman Township

Lake County

Chase Township
Cherry Valley Township
Dover Township
Elk Township
Ellsworth Township
Luther
Newkirk Township

Pinora Township
Pleasant Plains TWP
Baldwin
Sweetwater Township
Webber Township
Yates Township

Lapeer County

Clifford
Burnside Township
Imlay Township

Marathon Township
Columbiaville
Rich Township

Leelanau County

Centerville Township
Cleveland Township

Kasson Township

Lenawee County

Clayton
Madison Township
Cement City
Medina Township

Morenci
Raisin Township
Britton

Livingston County

Handy Township

Luce County

Columbus Township
Pentland Township

Mackinac County

Bois Blanc Township
Hendricks Township

Hudson Township
Marquette Township

Macomb County

Ray Township

Manistee County

Arcadia Township
Brown Township
Copemish
Cleon Township

Manistee Township
Pleasanton Township
Stronach Township

Marquette County

Champion Township
Ely Township
Ewing Township
Michigamme Township
Powell Township

Richmond Township
Skandia Township
Turin Township
Wells Township

Mason County

Amber Township
Branch Township
Eden Township

Meade Township
Sheridan Township
Sherman Township

Mecosta County

Aetna Township
Big Rapids
Morley
Chippewa Township
Barryton
Fork Township

Hinton Township
Millbrook Township
Mecosta
Sheridan Township
Wheatland Township

Menominee County

Daggett
Daggett Township
Faithorn Township
Gourley Township
Harris Township

Meyer Township
Carney
Nadeau Township
Powers
Stephenson Township

Midland County

Geneva Township
Greendale Township
Hope Township
Jasper Township

Mills Township
Mount Haley Township
Porter Township

Missaukee County

Aetna Township
Bloomfield Township
Butterfield Township
Caldwell Township
Clam Union Township

Lake Township
Norwich Township
Reeder Township
Riverside Township

Monroe County

Carleton
Dundee
Dundee Township

Maybee
La Salle Township
Milan Township

Montcalm County

Belvidere Township
Bloomer Township
Bushnell Township
McBride
Day Township
Evergreen Township
Fairplain Township

Ferris Township
Edmore
Pierson
Howard City
Reynolds Township
Richland Township
Winfield Township

Montmorency County

Avery Township
Briley Township
Hillman Township

Loud Township
Montmorency Township
Rust Township

Muskegon County

Blue Lake Township
Casnovia Township

Lakewood
Dalton Township

Holton Township
Moorland Township
Muskegon
Casnovia

Muskegon Heights
Ravenna
Ravenna Township

Newaygo County

Ashland Township
Barton Township
Beaver Township
Croton Township
Ensley Township
Everett Township
Goodwell Township
Grant Township

Home Township
Lilley Township
Merrill Township
Monroe Township
Sheridan Township
Troy Township
White Cloud
Wilcox Township

Oakland County

Leonard

Ortonville

Oceana County

Claybanks Township
Colfax Township
Crystal Township
Elbridge Township
Ferry Township
Rothbury
Grant Township
Hesperia

Hart Township
New Era
Walkerville
Leavitt Township
Otto Township
Shelby
Shelby Township

Ogemaw County

Churchill Township
Cumming Township
Edwards Township
Goodar Township
Hill Township
Horton Township
Klackung Township
Logan Township

Mills Township
Ogemaw Township
Prescott
Richard Township
Rose Township
Rose City
West Branch

Ontonagon County

Greenland Township
Haight Township
Interior Township

Matchwood Township
Stannard Township

Osceola County

Burdell Township
Evart
Hartwick Township
Highland Township
Marion
Marion Township

Middle Branch Township
Orient Township
Osceola Township
Sherman Township
Sylvan Township

Oscoda County

Clinton Township
Elmer Township

Mentor Township

Otsego County

Chester Township

Charlton Township

Ottawa County

Allendale Township
Holland Township
Wright Township

Zeeland Township
Zeeland Township

Presque Isle County

Allis Township
Millersburg
Case Township
Krakow Township
Metz Township
Moltke Township

North Allis Township
Ocqueoc Township
Onaway
Posen Township
Pulawski Township

Roscommon County

Denton Township
Gerrish Township

Nester Township
Richfield Township

Saginaw County

Albee Township
Chapin Township
Fremont Township
Lakefield Township

Marion Township
Saginaw
St Charles Township
Swan Creek Township

St. Clair County

Berlin Township
Emmett
Ira Township
Kenockee Township
Capac

Mussey Township
Port Huron
Port Huron Township
Wales Township

St. Joseph County

Burr Oak Township
Colon
Florence Township
Mendon

Mendon Township
Centreville
Nottawa Township
White Pigeon

Sanilac County

Austin Township
Delaware Township
Flynn Township
Freemont Township
Greenleaf Township
Lamotte Township
Maple Valley Township

Deckerville
Minden City
Minden Township
Melvin
Speaker Township
Applegate
Wheatland Township

Schoolcraft County

Doyle Township
Germfask Township
Inwood Township

Seney Township
Thompson Township

Shiawassee County

Burns Township
Fairfield Township
New Haven Township
Morrice

Rush Township
Bancroft
Vernon

Tuscola County

Arbela Township
Unionville
Akron
Elkland Township
Caro
Ellington Township

Gagetown
Fremont Township
Indianfields Township
Kingston Township
Kingston
Millington Township

Van Buren County

Almena Township
Bangor
Bangor Township
Breedsville
Columbia Township
Covert Township
Decatur
Decatur Township

Geneva Township
Gobles
Hamilton Township
Hartford
Hartford Township
Keeler Township
Porter Township

Washtenaw County

Bridgewater Township
Ypsilanti

Wayne County

Detroit
Gross Ile Township
Hamtramck

Highland Park
River Rouge

Wexford County

Antioch Township
Colfax Township
Greenwood Township
Buckley
Hanover Township

Liberty Township
Manton
Slagle Township
Springville Township
Wexford Township

*State of Minnesota**Aitkin County*

Ball Bluff Township
Balsam Township
Beaver Township
Cornish Township
Glen Township
Haugen Township
Hill Township
Idun Township
Jevne Township
Kimberly Township
Lee Township
Libby Township
Logan Township
McGregor
McGregor Township

Malmö Township
Morrison Township
Palisade
Rise River Township
Salo Township
Spalding Township
Tamarack
Turner Township
Verdon Township
Wagner Township
Waukenabo Township
Wealthwood Township
White Pine Township
Williams Township
Workman Township

Anoka County

Bethel

Burns Township

Becker County

Atlanta Township
Callaway
Callaway Township
Carsonville Township
Evergreen Township
Green Valley Township
Hamden Township
Height of Land
Township
Lake Eunice Township
Lake Park Township
Maple Grove Township
Ogema
Osage Township
Pine Point Township

Riceville Township
Richwood Township
Runeberg Township
Savannah Township
Shell Lake Township
Silver Leaf Township
Spring Creek Township
Spruce Grove Township
Sugar Bush Township
Toad Lake Township
Walworth Township
White Earth Township
Wolf Lake
Wolf Lake Township

Beltrami County

Battle Township
Bemidji
Bemidji Township
Benville Township
Blackduck
Buzzle Township
Cormant Township
Eckles Township
Grant Valley Township
Hagali Township
Hines Township
Hornet Township
Jones Township
Kelliher
Kelliher Township
Lammers Township

Lee Township
Maple Ridge Township
Moose Lake Township
Nebish Township
Northern Township
Obrien Township
Quiring Township
Roosevelt Township
Shooks Township
Spruce Grove Township
Steenerson Township
Ten Lake Township
Tenstrike
Turtle River
Turtle River Township
Woodrow Township

Benton County

Alberta Township
Gilman
Gilmanton Township
Graham Township

Granite Ledge Township
Mayhew Lake Township
Maywood Township
St. George Township

Big Stone County

Akron Township
Artichoke Township
Beardsley
Browns Valley Township
Correll
Foster Township
Malta Township

Johnson
Moonshine Township
Odessa
Odessa Township
Otre Township
Prior Township

Blue Earth County

Beauford Township
Cambria Township
Ceresco Township
Danville Township
Decoria Township
Judson Township
Le Ray Township
Lincoln Township
McPherson Township
Holst Township
Itasca Township
La Prairie Township

Leon Township
Leonard
Minerva Township
Moose Creek Township
Nora Township
Pine Lake Township
Popple Township
Rice Township
Shevlin
Shevlin Township
Sinclair Township

Cottonwood County

Amboy Township
Ann Township
Bingham Lake
Carson Township
Dale Township
Delton Township
Germantown Township
Highwater Township
Jeffers
Midway Township

Mountain Lake
Township
Rose Hill Township
Selma Township
Southbrook Township
Springfield Township
Storden
Storden Township
Westbrook Township

Crow Wing County

Bay Lake Township
Brainerd

Breezy Point
Crosby

Daggett Brook Township
Dean Lake Township
Emily
Fairfield Township
Fifty Lakes
Fort Ripley
Gail Lake Township
Garrison
Ideal Township
Irondale Township
Jenkins
Jenkins Township
Little Pine Township

Long Lake Township
Manhattan Beach
Maple Grove Township
Mission Township
Nokay Lake Township
Pequot Lakes
Perry Lake Township
Platte Lake Township
Ross Lake Township
St. Mathias Township
Timothy Township
Trommald

Dakota County

Castle Rock Township
Douglas Township
Hampton
Hampton Township

Marshall Township
New Trier
Randolph Township

Dodge County

Ashland Township
Canistota Township
Ellington Township

Mantorville Township
Milton Township
Vernon Township

Douglas County

Belle River Township
Brandon Township
Evansville Township
Holmes City Township
Hudson Township
Ida Township
Kensington
Leaf Valley Township
Lund Township
Millerville

Milona
Milona Township
Moe Township
Nelson
Orange Township
Osakis Township
Osakis
Solem Township
Spruce Hill Township

Faribault County

Barber Township
Clark Township
Delavan
Dunbar Township
Elmore Township
Emerald Township
Foster Township
Lura Township

Rome Township
Seely Township
Verona Township
Walnut Lake Township
Walters
Winnebago City
Township

Fillmore County

Amherst Township
Arendahl Township
Bloomfield Township
Canton
Carimona Township
Carrollton Township
Chatfield Township
Fillmore Township
Forestville Township
Fountain Township
Jordan Township

Mabel
Newburg Township
Norway Township
Peterson
Preble Township
Preston Township
Rushford (Village)
Spring Valley Township
Wykoff
York Township

Freeborn County

Conger
Freeborn Township
Geneva Township
Hartland Township
London Township
Manchester Township

Mansfield Township
Moscow Township
Newry Township
Riceland Township
Shell Rock Township

Goodhue County

Belchester
Belle Creek Township
Belvidere Township
Dennison
Florence Township
Goodhue

Hay Creek Township
Holden Township
Pine Island Township
Roscoe Township
Wanamingo Township
Zumbrota Township

Grant County

Elbow Lake Township
Elk Lake Township
Erdahl Township
Land Township
Lawrence Township
Lien Township

Logan Township
Norcross
Pelican Lake Township
Pomme de Terre
Township
Wendell

Hennepin County

Corcoran
Dayton

Minnetrista

Houston County

Black Hammer
Township
Brownsville
Brownsville Township
Caledonia Township
Houston
Jefferson Township
Mayville Township

Money Creek Township
Mound Prairie Township
Sheldon Township
Spring Grove
Spring Grove Township
Wilmington Township
Yucatan Township

Hubbard County

Akeley
Badoura Township
Clover Township
Fern Township
Guthrie Township
Hart Lake Township
Hendrickson Township
Hubbard Township

Lake George Township
Lake Hattie Township
La Porte
Nevis
Park Rapids
Rockwood Township
White Oak Township

Isanti County

Dalbo Township
Maple Ridge Township
Oxford Township

Stanchfield Township
Stanford Township

Itasca County

Alvwood Township
Ardenhurst Township
Beaureville Township
Bovey
Bowstring Township
Carpenter Township
Deer River
Effie
Feeley Township
Good Hope Township
Grattan Township

Iron Range Township
Lawrence Township
Max Township
Moose Park Township
Morse Township
Nore Township
Oteneagen Township
Squaw Lake
Stokes Township
Third River Township
Wabana Township

Jackson County

Alba Township
Alpha
Belmont Township
Delafield Township
Des Moines Township
Enterprise Township
Ewington Township
Heron Lake Township
Hunter Township
Kimball Township

La Crosse Township
Minneota Township
Rost Township
Round Lake Township
Sioux Valley Township
Weimer Township
West Heron Lake
Township
Wisconsin Township

Kanabec County

Ann Lake Township
Arthur Township
Brunswick Township
Comfort Township
Grass Lake Township
Hay Brook Township
Hillman Township
Kanabec Township

Kroschel Township
Ogilvie
Peace Township
Pomroy Township
Quamba
South Fork Township
Whited Township

Kandiyohi County

Arctander Township
Blomkest
Colfax Township
East Lake Lillian
Township
Edwards Township
Fahln Township
Irving Township
Lake Andrew Township
Lake Elizabeth Township

Lake Lillian Township
Mamre Township
Norway Lake Township
Regal
Roseland Township
Roseville Township
St. Johns Township
Sunburg
Whitefield Township

Kittson County

Arveson Township
Caribou Township
Donaldson
Granville Township
Hazelton Township

Hill Township
Lake Brownson
Lancaster
McKinley Township
Norway Township

Pelan Township
Percy Township
Poppleton Township
Richardville Township
St. Joseph Township

St. Vincent Township
Skane Township
Spring Brook Township
Tegner Township

Koochiching County

Big Falls
Mizpah

Northome
Ranier

Lac Qui Parle County

Arena Township
Augusta Township
Baxter Township
Boyd
Camp Release Township
Cerro Gordo Township
Freeland Township
Garfield Township
Hamlin Township
Hantho Township
Lac Qui Parle Township
Lake Shore Township

Louisburg
Madison Township
Manfred Township
Marietta
Maxwell Township
Mehurin Township
Nassau
Perry Township
Providence Township
Riverside Township
Walter Township
Yellow Bank Township

Lake of the Woods County

Williams

Le Sueur County

Cleveland Township
Kasota
Kilkenny
Kilkenny Township

Lexington Township
Ottawa Township
Sharon Township
Waterville Township

Lincoln County

Alta Vista Township
Diamond Lake Township
Drammen Township
Hansonville Township
Hendricks Township
Hope Township
Lake Benton Township

Lake Stay Township
Limestone Township
Marble Township
Marshfield Township
Royal Township
Shaokatan Township
Verdi Township

Lyon County

Clifton Township
Coon Creek Township
Custer Township
Eidsvold Township
Fairview Township
Florence
Grandview Township
Island Lake Township

Lucas Township
Monroe Township
Nordland Township
Rock Lake Township
Sodus Township
Stanley Township
Vallers Township
Westerheim Township

McLeod County

Bergen Township
Brownston
Collins Township
Glencoe Township
Hutchinson Township

Lynn Township
Penn Township
Rich Valley Township
Round Grove Township
Sumter Township

Mahnomen County

Beaulieu Township
Chief Township
Clover Township
Gregory Township
Heier Township
Island Lake Township
La Garde Township

Lake Grove Township
Mahnomen
Marsh Creek Township
Pembina Township
Rosedale Township
Twin Lakes Township
Waubun

Marshall County

Augsburg Township
Big Woods Township
Bloomer Township
Cedar Township
Como Township
Comstock Township
East Valley Township
Eckvold Township
Espelie Township
Excel Township
Fork Township
Holt Township
Huntly Township
Linsell Township
McCrea Township
Middle River

Moylan Township
Nelson Park Township
New Maine Township
New Solum Township
Parker Township
Rollis Township
Spruce Valley Township
Strandquist
Tamarac Township
Valley Township
Veldt Township
Viking Township
Wanger Township
Whiteford Township
Wright Township

Martin County

Center Creek Township
Dunnell
East Chain Township
Elm Creek Township
Fairmont Township
Fraser Township
Galena Township
Lake Fremont Township

Nashville Township
Pleasant Prairie
Township
Rolling Green Township
Silver Lake Township
Waverly Township
Westford Township

Meeker County

Acton Township
Cedar Mills
Cedar Mills Township
Danielson Township
Darwin Township
Forest Prairie Township

Harvey Township
Kingston
Kingston Township
Manannah Township
Union Grove Township

Mille Lacs County

Bock
Bogus Brook Township
Borgholm Township
Dailey Township
East Side Township
Foreston
Hayland Township
Isle Harbor Township
Kathio Township

Lewis Township
Milaca Township
Milo Township
Mudgett Township
Onamia Township
Page Township
Pease
South Harbor Township
Wahkon

Morrison County

Agram Township
Bellevue Township
Bowlus
Buckman
Buckman Township
Buh Township
Culdrum Township
Cushing Township
Darling Township
Elmdale
Elmdale Township
Flensburg
Glenola
Granite Township
Harding
Hillman
Hillman Township
Lakin Township
Lastrup
Little Falls

Morrill Township
Mount Morris Township
Parker Township
Pierz
Pierz Township
Motley
Pike Creek Township
Platte Township
Pulaski Township
Randall
Richardson Township
Fort Ripley Township
Royalton
Scandia Valley
Township
Sobieski
Swan River Township
Swanville Township
Two Rivers Township

Mower County

Adams Township
Austin Township
Brownsdale
Clayton Township
Frankford Township
Le Roy Township
Lodi Township
Mapleview

Marshall Township
Nevada Township
Pleasant Valley
Township
Sargeant Township
Taopi
Udolpho Township

Murray County

Belfast Township
Bondin Township
Cameron Township
Chanarambie Township
Des Moines River
Township
Ellsborough Township
Fenton Township
Holly Township
Iona Township

Lake Sarah Township
Leeds Township
Lime Lake Township
Lowville Township
Mason Township
Murray Township
Shetek Township
Skandia Township
Slayton Township

Nicollet County

Bernadotte Township
Brighton Township
Courtland Township
Granby Township
Lake Prairie Township

New Sweden Township
Nicollet Township
Ridgely Township
Traverse Township
West Newton Township

Nobles County

Adrian
Bigelow Township

Bloom Township
Dewald Township
Dundee
Elk Township
Graham Lakes Township
Grand Prairie Township
Hersey Township
Indian Lake Township
Kinbrae
Larkin Township

Norman County

Anthony Township
Bear Park Township
Flom Township
Fossum Township
Green Meadow Township
Hegne Township
Home Lake Township
Lake Ida Township
McDonaldsville Township

Olmsted County

Dover Township
Eyota Township
Farmington Township

Otter Tail County

Aastad Township
Amor Township
Blowers Township
Bluffton
Bluffton Township
Candor Township
Carlisle Township
Clitherall
Compton Township
Corliss Township
Dalton
Dead Lake Township
Deer Creek Township
Dent
Dora Township
Dunn Township
Eagle Lake Township
Eastern Township
Edna Township
Effington Township
Elizabeth
Elmo Township
Erhard
Erhards Grove Township
Folden Township
Gorman Township
Henning
Henning Township
Homestead Township

Pennington County

Clover Leaf Township
Deer Park Township
Goodridge
Goodridge Township
Kratka Township

Pine County

Arlone Township
Arna Township
Barry Township
Birch Creek Township
Bremen Township
Brook Park Township
Bruno
Bruno Township
Chengwatana Township
Clover Township
Dell Grove Township
Denham
Finlayson
Fleming Township
Henriette

Lismore
Lismore Township
Little Rock Township
Lorain Township
Olney Township
Ransom Township
Seward Township
Summit Lake Township
Westside Township
Worthington Township

Pipestone County

Aetna Township
Altona Township
Burke Township
Eden Township
Edgerton
Elmer Township
Fountain Prairie Township
Grange Township
Gray Township

Polk County

Angus Township
Badger Township
Belgium Township
Beltrami
Brandsvold Township
Brandt Township
Brislet Township
Bygland Township
Columbia Township
Eden Township
Erskine
Euclid Township
Fanny Township
Fisher Township
Garfield Township
Godfrey Township
Grand Forks Township
Grove Park Township
Gully
Hill River Township
Hubbard Township
Johnson Township
King Township

Pope County

Bangor Township
Barsness Township
Ben Wade Township
Blue Mounds Township
Chippewa Falls Township
Cyrus
Farwell
Gilchrist Township
Grove Lake Township
Hoff Township

Ramsey County

Falcon Heights

Red Lake County

Brooks
Browns Creek Township
Emardville Township
Equality Township
Garnes Township
Gervais Township

Redwood County

Brookville Township
Charlestown Township
Delhi
Delhi Township
Gales Township
Granite Rock Township
Johnsonville Township
Kintire Township
Lamberton
Lamberton Township
Morgan Township
New Avon Township
North Hero Township
Paxton Township
Redwood Falls Township

Renville County

Birch Cooley Township
Boon Lake Township
Cairo Township

Flora Township
Hawk Creek Township
Hector Township
Henryville Township
Kingman Township
Martinsburg Township
Melville Township

Rice County

Dundas
Erin Township
Forest Township
Morristown Township
Richland Township

Rock County

Battle Plain Township
Beaver Creek Township
Clinton Township
Denver Township
Kananan Township
Kenneth
Luverne Township

Roseau County

Bernett Township
Cedarbend Township
Deer Township
Dewey Township
Dieter Township
Falun Township
Golden Valley Township
Grimstad Township
Hereim Township
Huss Township
Jadis Township
Laona Township

St. Louis County

Alborn Township
Angora Township
Arrowhead Township
Bassett Township
Beatty Township
Cook
Culver Township
Ellsburg Township
Field Township
Gnesen Township
Kinney
Great Scott Township

Scott County

Belle Plaine
Blakeley TWP

Sherburne County

Becker
Clear Lake

Sibley County

Alfsborg Township
Bismarck Township
Cornish Township
Dryden Township
Faxon Township
Grafton Township
Green Isle
Green Isle Township

Stearns County

Albany Township
Ashley Township
Broton
Brockway Township
Cold Spring
Crow Lake Township
Crow River Township
Elrosa
Fair Haven Township
Farming Township
Getty Township
Grove Township

Norfolk Township
Osceola Township
Palmyra Township
Troy Township
Wang Township
Wellington Township

Warsaw Township
Wells Township
Wheatland Township
Wheeling Township

Magnolia Township
Martin Township
Mound Township
Rose Dell Township
Springwater Township
Steen

Lind Township
Mickinock Township
Moose Township
Moranville Township
Nereson Township
Pohlitz Township
Polonia Township
Poplar Grove Township
Reine Township
Soler Township
Strathcona

Halden Township
Lakewood Township
McKinley
Meadowlands
Meadowlands Township
Morcom Township
Northland Township
Payne Township
Portage Township
Prairie Lake Township
Stoney Brook Township
Van Buren Township

New Market Township

Santiago Township
Zimmerman

Henderson Township
Jessenland Township
Kelso Township
Severance Township
Sibley Township
Transit Township
Washington Lake Township

Holding Township
Krain Township
Lake George Township
Lake Henry Township
Luxemburg Township
Maine Prairie Township
Meire Grove
Melrose Township
Millwood Township
New Munich
North Fork Township
Oak Township

Raymond Township
Richmond
Rockville Township
Roscoe
St. Anthony
St. Martin
St. Martin Township

St. Rosa
St. Wendel Township
Sauk Centre
Sauk Centre Township
Spring Hill
Wakefield Township
Zion Township

Steele County

Aurora Township
Berlin Township
Blooming Prairie
Township

Deerfield Township
Lemond Township
Medford Township
Merton Township

Stevens County

Alberta
Baker Township
Darnen Township
Donnelly Township
Eldorado Township
Everglade Township
Framnas Township
Hodges Township

Horton Township
Moore Township
Pepperton Township
Rendsville Township
Scott Township
Stevens Township
Swan Lake Township
Synnes Township

Swift County

Appleton Township
Benson Township
Camp Lake Township
Clontarf Township
Danvers
De Graff
Edison Township
Fairfield Township
Hayes Township
Holloway
Kerkhoven

Kerkhoven Township
Kildare Township
Marysland Township
Moyer Township
Murdock
Pillsbury Township
Six Mile Grove
Township
Swenoda Township
Tara Township
West Bank Township

Todd County

Bartlett Township
Bertha Township
Birchdale Township
Browerville
Bruce Township
Burleene Township
Burnhamville Township
Clarissa
Eagle Valley Township
Fawn Lake Township
Germania Township
Gordon Township
Grey Eagle Township
Hartford Township
Hewitt
Iona Township

Little Elk Township
Staples
Little Sauk Township
Long Prairie Township
Moran Township
Reynolds Township
Round Prairie Township
Staples Township
Stowe Prairie Township
Turtle Creek Township
Villard Township
Ward Township
West Union
West Union Township
Wykeham Township

Traverse County

Arthur Township
Browns Valley
Clifton Township
Croke Township
Folsom Township
Lake Valley Township
Leonardsville Township

Monson Township
Redpath Township
Tara Township
Taylor Township
Walls Township
Windsor Township

Wabasha County

Chester Township
Elgin Township
Glasgow Township
Greenfield Township
Hammond
Highland Township
Hyde Park Township

Lake Township
Millville
Oakwood Township
Pepin Township
Plainview Township
West Albany Township
Zumbro Falls

Wadena County

Aldrich
Blueberry Township
Leaf River Township
Lyons Township
Meadow Township
Menahga
Nimrod
North Germany
Township

Red Eye Township
Sebeka
Shell River Township
Verndale
Wadena Township
Wing River Township

Waseca County

Alton Township
Byron Township
Freedom Township
St. Mary Township

Vivian Township
Waldorf
Woodville Township

Washington County

Bayport

Lake Elmo

Watsonwan County

Adrian Township
Antrim Township
Butterfield
Butterfield Township
La Salle
Lewisville

Long Lake Township
Madelia Township
Odin Township
Riverdale Township
Rosendale Township
South Branch Township

Wilkin County

Akron Township
Atherton Township
Bradford Township
Connelly Township
Deerhorn Township
Foxhome
Foxhome Township
Manston Township

Meadows Township
Mitchell Township
Nashua
Nordick Township
Sunnyside Township
Tanberg Township
Wolverton Township

Winona County

Altura
Fremont Township
Minnesota City
Norton Township
Pleasant Hill Township
St. Charles Township

Saratoga Township
Utica
Utica Township
Whitewater Township
Wiscovy Township

Wright County

Clearwater Township
Maple Lake Township

Middleville Township

Yellow Medicine County

Burton Township
Echo
Fortier Township
Hammer Township
Hazel Run Township
Lisbon Township
Minnesota Falls
Township
Normania Township
Omro Township

Oshkosh Township
Porter
Posen Township
St. Leo
Sandnes Township
Stony Run Township
Swede Prairie Township
Tyro Township
Wergeland Township
Wood Lake Township

*State of Mississippi**Adams County*

Natchez

Alcorn County

Rienzi

Amite County

Gloster

Liberty

Attala County

Ethel
Kosciusko

McCool
Sallis

Benton County

Ashland

Bolivar County

Alligator
Benoit
Beulah
Boyle
Cleveland
Duncan
Gunnison
Merigold

Mound Bayou
Pace
Renova
Rosedale
Shaw
Shelby
Winstonville

Calhoun County

Big Green
Bruce
Calhoun City

Derma
Pittsboro
Vardaman

Carroll County

Carrollton
North Carrollton

Vaiden

Chickasaw County

Houston
New Houlka

Okolona
Woodland

Choctaw County

Ackerman
French Camp

Weir

Claiborne County

Port Gibson

Clarke County

Enterprise
Pachuta

Quitman
Stonewall

Clay County

West Point

Coahoma County

Clarksdale
Coahoma
Friars Point

Jonestown
Lula
Lyon

Copiah County

Beauregard
Crystal Springs

Georgetown
Hazlehurst

Covington County

Collins
Mount Olive

Seminary

De Soto County

Hernando
Horn Lake

Newport
Olive Branch

Forrest County

Hattiesburg

Franklin County

Bude

Roxie

Greene County

Leakesville
McLain

State Line

Grenada County

Grenada

Harrison County

Pass Christian

Hinds County

Bolton
Edwards
Jackson

Terry
Utica

Holmes County

Cruger
Durant
Goodman
Lexington

Pickens
Tchula
West

Humphreys County

Belzoni
Isola

Louise
Silver City

Issaquena County

Mayersville

Itawamba County

Tremont

Jackson County

Moss Point

<i>Jasper County</i>	<i>Pearl River County</i>	<i>Warren County</i>
Bay Springs Heidelberg	Picayune	Vicksburg
Louin Montrose	Poplarville	
<i>Jefferson County</i>	<i>Perry County</i>	<i>Washington County</i>
Fayette	Beaumont New Augusta	Arcola Greenville Hollandale
	Richton	Leland Metcalfe
<i>Jefferson Davis County</i>	<i>Pike County</i>	<i>Wayne County</i>
Bassfield	McComb Magnolia	Waynesboro
Prentiss	Osyka Summit	
<i>Jones County</i>	<i>Pontotoc County</i>	<i>Webster County</i>
Ellisville	Ecran Sherman	Eupora Mantee
Laurel	Thaxton Toccopola	Mathiston
<i>Kemper County</i>	<i>Prentiss County</i>	<i>Wilkinson County</i>
De Kalb	Baldwyn	Centreville Crosby
Scooba	Jumpertown	Woodville
<i>Lamar County</i>	<i>Quitman County</i>	<i>Winston County</i>
Lumberton	Crowder Falcon Lambert	Louisville
Sumrall	Marks Sledge	Noxapater
<i>Lauderdale County</i>	<i>Rankin County</i>	<i>Yalobusha County</i>
Marion	Florence Flowood	Coffeetown Oakland
Meridian	Pelahatchie Puckett	Water Valley
<i>Lawrence County</i>	<i>Scott County</i>	<i>Yazoo County</i>
Silver Creek	Forest Lake	Benton Eden
Leake County	Morton Sebastopol	Yazoo City
Walnut Grove	<i>Sharkey County</i>	<i>State of Missouri</i>
	Rolling Fork	<i>Adair County</i>
<i>Lee County</i>	<i>Simpson County</i>	Brashear Millard
Plantersville	Magee Mendenhall	Novinger
<i>Leflore County</i>	<i>Smith County</i>	<i>Andrew County</i>
Greenwood Itta Bena Morgan City	Mize Polkville Raleigh	Amazonia Bolckow
Schlater Sidon	Sylarena Taylorsville	Cosby Rea
<i>Lincoln County</i>	<i>Store County</i>	<i>Audrain County</i>
Brookhaven	Wiggins	Rush Hill
<i>Lowndes County</i>	<i>Sunflower County</i>	<i>Barry County</i>
Artesia Columbus	Doddsville Drew Indianola Inverness	Exeter Seligman
Crawford	Charleston Gelndora Sumner	Washburn
<i>Madison County</i>	<i>Tallahatchie County</i>	<i>Barton County</i>
Canton	Tutwiler Webb	Barton City Township Doylestown Township Golden City Golden City Township Leroy Township Milford
Flora	<i>Tate County</i>	Milford Township North Fork Township Burgess Mindemines South West Township Union Township
<i>Marion County</i>	Coldwater	<i>Bates County</i>
<i>Marshall County</i>	<i>Tippah County</i>	Deepwater Township East Boone Township Elkhart Township Amoret Homer Township Hume Lone Oak Township Mingo Township Butler Mount Pleasant Township
Holly Springs	Blue Mountain Dumas	Rich Hill Osage Township Pleasant Gap Township Rockville Rockville Township Summit Township Walnut Township West Boone Township
<i>Monroe County</i>	<i>Tishomingo County</i>	<i>Benton County</i>
Aberdeen Amory	Paden	Cole Camp
Gattman Hatley	Tishomingo	<i>Bollinger County</i>
<i>Montgomery County</i>	<i>Tunica County</i>	Glenallen Lutesville
Winona	<i>Union County</i>	Sedgewickville Zalma
<i>Neshoba County</i>	<i>Walthall County</i>	<i>Boone County</i>
Philadelphia		Hartsburg
<i>Newton County</i>		Agency
Decatur Newton		<i>Buchanan County</i>
<i>Noxubee County</i>		
Shuqualak		
<i>Oktibbeha County</i>		
Maben		
Sturgis		
<i>Panola County</i>		
Batesville Como Courtland		
Crenshaw Pope Sardis		

Butler County

Fish
Neelyville

Poplar Bluff
Quinn

Caldwell County

Breckenridge
Breckenridge Township
Davis Township
Braymer
Gomer Township

Grant Township
Kingston
Lincoln Township
Mirabile Township
Rockford Township

Callaway County

Auxvasse
Cedar

Mokane

Camden County

Macks Creek
Stoutland

Sunrise Beach

Cape Girardeau County

Delta
Oak Ridge

Pocahontas
Whitewater

Carroll County

Cherry Valley Township
Combs Township
Eugene Township
Fairfield Township
Hill Township
Hale
Hurricane Township
Leslie Township
Prairie Township

Bosworth
Ridge Township
Rockford Township
Stokes Mound Township
Trotter Township
Bogard
Van Horn Township
Wakenda Township
Washington Township

Carter County

Ellsinore

Grandin

Cass County

Garden City
Lake Annette

Strasburg

Cedar County

El Dorado Springs
Jerico Springs

Stockton

Chariton County

Bee Branch Township
Dalton
Chariton Township
Clark Township
Cockrell Township
Sumner

Cunningham Township
Musselfork Township
Salt Creek Township
Triplett
Triplett Township
Wayland Township

Christian County

Billings

Clark County

Alexandria
Kahoka

Luray
Revere

Clay County

Birmingham
Glenaire

Holt
Mosby

Clinton County

Plattsburg
Trimble

Turney

Cole County

Centertown

Eugene

Cooper County

Blackwater
Bunceton

Pilot Grove
Prairie Home

Crawford County

Cuba

Steelville

Dade County

Center Township
Greenfield
Ernest Township
Grant Township
Lockwood
Lockwood Township
North Township

Pilgrim Township
Everton
Rock Prairie Township
Sac Township
Smith Township
South Greenfield

Dallas County

Buffalo

Daviess County

Colfax Township
Grand River Township
Lock Spring
Jackson Township
Jamesport
Jamesport Township

Altamont
Liberty Township
Coffey
Salem Township
Sheridan Township

De Kalb County

Osborn
Camden Township
Colfax Township
Dallas Township
Grant Township

Union Star
Polk Township
Sherman Township
Washington Township

Douglas County

Ava

Dunklin County

Cardwell
Buffalo Township
Clay Township
Hornersville
Malden
Cotton Hill Township
Arbyrd
Clarkton
Freeborn Township

Holcomb
Holcomb Township
Kennett
Independence Township
Senath
Salem Township
Campbell
Union Township

Franklin County

Berger

Gasconade County

Gasconade

Morrison

Gentry County

Darlington
Howard Township
Huggins Township
King City

Jackson Township
McFall
Miller Township
Wilson Township

Greene County

Brookline

Grundy County

Spickardsville
Harrison Township
Jackson Township
Jefferson Township
Galt
Liberty Township

Lincoln Township
Madison Township
Brimson
Taylor Township
Laredo
Wilson Township

Harrison County

Adams Township
Bethany Township
Bethany
Butler Township
Clay Township
Blythedale
Colfax Township
Cypress Township
Fox Creek Township
Grant Township
Jefferson Township

Ridgeway
Eagleview
Cainsville
Madison Township
Marion Township
Sherman Township
Sugar Creek Township
Trail Creek Township
Washington Township
New Hampton
White Oak Township

Henry County

Bethlehem Township
Big Creek Township
Bogard Township

La Due
Davis Township
Deer Creek Township

Deepwater
Fairview Township
Urich
Honey Creek Township
Leesville Township
Brownington

Osage Township
Shawnee Township
Springfield Township
Tebo Township
Walker Township
Windsor Township

Hickory County

Cross Timbers

Hermitage

Holt County

Corning

Craig

Howard County

Armstrong

Franklin

Howell County

Brandsville
Mountain View

Willow Springs

Iron County

Annapolis

Pilot Knob

Jackson County

Lone Jack

Sibley

Jasper County

Asbury
Aville
Carterville
Carytown
Fidelity
La Russell

Neck City
Oakland Park
Oronogo
Purcell
Reeds

Jefferson County

Kimmswick

Johnson County

Chilhowee

Holden

Knox County

Baring
Hurdland
Knox City

Newark
Novelty

Laclede County

Conway

Phillipsburg

Lafayette County

Concordia
Corder

Lexington
Waverly

Lawrence County

Aurora
Freistatt
Halltown
Hoberg
Marionville

Miller
Pierce City
Stotts City
Verona

Lewis County

Lewistown

Lincoln County

Elsberry
Hawk Point

Silex
Winfield

Linn County

Benton Township
Browning
Clay Township
Enterprise Township
Grantsville Township

Jackson Township
Linneus
Locust Creek Township
North Salem Township

Livingston County

Cream Ridge Township
Fairview Township
Grand River Township
Green Township
Jackson Township
Medicine Township

Ludlow
Monroe Township
Mooresville Township
Rich Hill Township
Sampsel Township

McDonald County		Hayti	North Wardell	Saline County	
Anderson	Noel	Hayti Heights	Pascola	Blackburn	Miami
Goodman	Pineville	Hayward	Steele	Emma	Mount Leonard
Lanagan		Homestown	Wardell	Gilliam	Nelson
Macon County			Perry County	Grand Pass	Slater
Callao	Ethel	Lithium	Longtown	Malta Bend	
Elmer			Pettis County		Schuyler County
Madison County		Green Ridge	Houstonia	Downing	Lancaster
Cobalt City	Junction City		Phelps County		Scotland County
Fredericktown	Marquand	Doolittle		Memphis	South Gorin
Mercer County			Pike County	Rutledge	
Lindley Township	Medicine Township	Curryville	Frankford		Scott County
Madison Township	Morgan Township	Eolia		Blodgett	Kelso
Mercer	Ravanna Township		Platte County	Diehlstadt	Morely
South Lineville	Somerset Township		Weatherby Lake	Haywood City	Vanduser
Marion Township		Northmoor			Shannon County
Miller County			Polk County	Eminence	Winona
Bagnell	Olean	Aldrich	Halfway		Shelby County
Iberia	St. Elizabeth	Fair Play	Humansville		Leonard
Lakeside	Tuscumbia	Flemington		Clarence	
Mississippi County			Pulaski County		Stoddard County
Anniston	Wilson City	Dixon	Waynesville	Castor Township	New Lisbon Township
Charleston	Wyatt	Richland		Duck Creek Township	Bell City
Moniteau County			Putnam County	Dudley	Pike Township
Clarksburg	Lupus	Worthington	Richland Township	Puxico	Essex
Monroe County		Elm Township	Sherman Township	Elk Township	Penermon
Holliday	Stoutsville	Grant Township	Union Township	Bernie	
Madison		Livonia	Unionville (Part)		Stone County
Montgomery County		Liberty Township	Wilson Township	Blue Eye	Galena
		Lincoln Township	Powersville	Crane	Lakeview
Bellflower	Middletown	Lucerne	York Township		Sullivan County
Jonesburg	New Florence	Medicine Township		Humphreys	Morris Township
Morgan County			Ralls County	Bowman Township	Green City
Stover	Versailles	Center	New London	Buchanan Township	Pleasant Hill Township
Syracuse			Randolph County	Clay Township	Milan
New Madrid County		Clark	Higbee	Duncan Township	Polk Township
Canalou	New Madrid		Ray County	Jackson Township	Taylor Township
Catron	North Libbourn	Camden	Lawson		Taney County
Gideon	Parma	Henrietta		Taneyville	
Howardville	Portageville		Reynolds County		Texas County
Lilbourn	Risco		Ellington	Boone Township	Lynch Township
Marston	Tallapoosa	Bunker		Summersville	Morris Township
Morehouse		Centerville		Burdine Township	Ozark Township
Newton County			Ripley County	Cabool	Pierce Township
Diamond	Ritchey	Doniphan	Naylor	Carroll Township	Roubidoux Township
Granby	Seneca		St. Charles County	Cass Township	Sargent Township
Midway	Shoal Creek Drive	Augusta	New Melle	Raymondville	Sherrill Township
Newtonia	Stella		St. Clair County	Jackson Township	Upton Township
Nodaway County					Vernon County
Atchison Township	Jefferson Township	Appleton City	Osceola	Harwood	Metz Township
Green Township	Lincoln Township	Collins	Roscoe	Schell City	Montevallio Township
Hopkins Township	Skidmore	Gerster	Vista	Bacon Township	Bronaugh
Graham	Monroe Township	Lowry City		Blue Mound Township	Moundville Township
Parnell	Union Township		Ste. Genevieve County	Coal Township	Osage Township
Independence Township	Washington Township	Bloomsdale	St. Mary's	Dover Township	Richards
Clyde	White Cloud Township		St. Francois County	Milo	Richland Township
Oregon County				Moundville	Virgil Township
Alton	Thayer	Bismarck	Flat River	Stotesbury	Walker
Koshkonong		Desloge	Leadington	Henry Township	Walker Township
Osage County		Elvins	Leadwood	Lake Township	Washington Township
Chamois	Westphalia	Esther	Rivermines	Metz	
		Fairview Acres			Warren County
Ozark County			St. Louis County	Truesdail	
Bakersfield	Theodosia	Hillsdale	Sycamore Hills		Washington County
Pemiscot County		Kinloch	Valley Park	Irondale	Potosi
		Pagedale	Wellston	Mineral Point	
Bragg City	Caruthersville	Pine Lawn			

Wayne County

Mill Spring
Piedmont

Williamsville

Webster County

Diggins
Niangua

Rogersville

Worth County

Allendale

Denver

Wright County

Boone Township
Brush Creek Township
Clark Township
Elk Creek Township
Gasconade Township
Hartville
Norwood
Hart Township
Mountain Grove

Montgomery Township
Mountain Grove
Township
Pleasant Valley
Township
Union Township
Van Buren Township
Wood Township
St. Louis

State of Montana**Big Horn County**

Hardin

Lodge Grass

Blaine County

Chinook

Harlem

Carbon County

Promberg

Joliet

Carter County

Ekalaka

Custer County

Ismay

Dawson County

Richey

Fallon County

Plevna

Fergus County

Denton

Winifred

Gallatin County

Three Forks

West Yellowstone

Glacier County

Browning

Golden Valley County

Ryegate

Granite County

Philipsburg

Hill County

Hingham

Judith Basin County

Hobson

Lake County

Ronan

St. Ignatius

Lincoln County

Eureka
Rexford

Troy

Madison County

Twin Bridges

Mineral County

Alberton

Musselshell County

Melstone

Park County

Clyde Park

Petroleum County

Winnett

Prairie County

Terry

Ravalli County

Darby

Roosevelt County

Poplar

Wolf Point

Sanders County

Hot Springs

Sheridan County

Medicine Lake
Outlook

Westby

Butte-Silver Bow County

Walkerville

Wheatland County

Judith Gap

Wibaux County

Wibaux

Yellowstone County

Broadview

Yellowstone National Park**State of Nebraska****Adams County**

Holstein
Cottonwood Township
Hanover Township
Ayr
Kenesaw
Little Blue Township

Logan Township
Silver Lake Township
Prosser
Verona Township
Zero Township

Antelope County

Blaine Township
Burnett Township
Cedar Township
Clearwater
Clearwater Township
Crawford Township
Eden Township
Elgin Township
Brunswick
Ellsworth Township
Elm Township
Frenchtown Township

Grant Township
Lincoln Township
Logan Township
Neligh Township
Oakdale
Oakdale Township
Royal
Royal Township
Sherman Township
Stanton Township
Verdigis Township
Willow Township

Arthur County

Arthur

Boone County

Albion

Primrose

Boyd County

Bristow
Bristow Township
Butte Township
Lynch

Lynch Township
McCulley Township
Morton Township
Spencer Township

Brown County

Ainsworth

Long Pine

Buffalo County

Miller

Armada Township

Beaver Township
Cedar Township
Cherry Creek Township
Gardner Township
Garfield Township
Amherst
Grant Township
Harrison Township

Logan Township
Loup Township
Platte Township
Schneider Township
Scott Township
Sharon Township
Thornton Township

Burt County

Arizona Township
Craig Township
Logan Township
Oakland Township

Riverside Township
Summit Township
Tekamah

Butler County

Alexis Township
Octavia
Bone Creek Township
Center Township
Franklin Township
Abie
Linwood Township
Olive Township
Linwood
Platte Township

Surprise
Read Township
Dwight
Richardson Township
Bruno
Skull Creek Township
Summit Township
Ulysses Township
Union Township

Cass County

South Bend

Cedar County

Belden
Hartington
Laurel

Obert
St. Helena

Chase County

Wauneta

Cherry County

Crookston

Merriman

Cheyenne County

Lodgepole

Potter

Clay County

Deweese
Inland Township
Lewis Township
Ong
Logan Township
Lone Tree Township

Marshall Township
School Creek Township
Sheridan Township
Spring Ranch Township
Sutton Township

Colfax County

Richland

Cuming County

Bancroft
Bancroft Township
Bismarck Township
Blaine Township
Cleveland Township
Cuming Township
Elkhorn Township

Garfield Township
Lincoln Township
Logan Township
Monterey Township
Neligh Township
Wisner Township

Custer County

Mason City
Algernon Township
Arnold Township
Berwyn Township
Broken Bow Township
Cliff Township
Comstock
Comstock Township
Corner Township
Callaway
Delight Township
East Custer Township
Elim Township
Elk Creek Township
Garfield Township

Grant Township
Lillian Township
Loup Township
Milburn Township
Myrtle Township
Ryno Township
Sargent
Sargent Township
Triumph Township
Wayne Township
Westerville Township
West Union Township
Oconto
Wood River Township

Sheridan County

Gordon
Hay Springs

Rushville

Sherman County

Ashton
Ashton Township
Bristol Township
Elm Township
Hazard

Rockville
Rockville Township
Scott Township
Washington Township

Sioux County

Harrison

Stanton County

Pilger

Thayer County

Alexandria
Carleton

Chester

Thomas County

Halsey

Thurston County

Anderson Township
Blackbird Township
Bryan Township
Rosalie
Flournoy Township
Merry Township
Walhill

Omaha Township
Pender Township
Perry Township
Thayer Township
Winnebago
Winnebago Township

Valley County

Geranium Township

North Loup Township

Washington County

Kennard

Herman

Wayne County

Sholes

Winside

Webster County

Blue Hill
Cowles

Guide Rock

Wheeler County

Ericson

York County

Bradshaw
Lushton

Waco

*State of Nevada**Clark County*

North Las Vegas

Elko County

Elko

*Esmeralda County**Eureka County**Humboldt County**Lander County**Lincoln County*

Caliente

*Lyon County**Mineral County**Nye County**Pershing County*

Lovelock

*Storey County**Washoe County**White Pine County**State of New Hampshire**Belknap County*

Center Harbor Town

Carroll County

Albany Town
Brookfield Town
Chatham Town
Eaton Town

Effingham Town
Sandwich Town
Wakefield Town

Cheshire County

Alstead Town
Gilsum Town
Nelson Town
Sullivan Town

Surry Town
Troy Town
Winchester Town

Coos County

Columbia Town
Dalton Town
Lancaster Town
Pittsburg Town

Stark Town
Stewartstown Town
Stratford Town
Whitefield Town

Grafton County

Ashland Town
Bath Town
Benton Town
Canaan Town
Dorchester Town
Grafton Town
Groton Town

Hanover Town
Landaff Town
Lisbon Town
Lyman Town
Piermont Town
Warren Town

Hillsborough County

Francestown Town
Mont Vernon Town

Sharon Town
Wilton Town

Merrimack County

Allenstown Town
Chichester Town
Hill Town

Pittsfield Town
Sutton Town
Warner Town

Rockingham County

North Hampton Town

Sandown Town

Strafford County

Durham Town

Middleton Town

Sullivan County

Claremont
Lempster Town
Newport Town

Springfield Town
Washington Town

*State of New Jersey**Atlantic County*

Atlantic City
Buena
Buena Vista Township

Egg Harbor City
Mullica Township

Bergen County

Wyckoff Township

Burlington County

Beverly
Fieldsboro
New Hanover Township

Pemberton
Springfield Township
Washington Township

Camden County

Camden
Chesilhurst

Gloucester City

Cape May County

Wildwood

Woodbine

Cumberland County

Bridgeton
Commercial Township
Downe Township
Fairfield Township
Greenwich Township

Lawrence Township
Maurice River Township
Upper Deerfield Township

Essex County

Belleville Township
Bloomfield Township
East Orange
Irvington Township

Newark
North Caldwell Township

Gloucester County

Clayton
National Park
Paulsboro
South Harrison Township

Swedesboro
Woolwich Township

Hudson County

East Newark
Harrison
Hoboken
Jersey City

Kearny
Union City
Weehawken Township
West New York

Hunterdon County

Clinton Township

Mercer County

Trenton

Middlesex County

New Brunswick
Perth Amboy

South Amboy

Monmouth County

Asbury Park
Bradley Beach
Keyport

Millstone Township
Union Beach

Morris County

Dover
Montville Township

Rockaway
Victory Gardens

Ocean County

Eagleswood Township
Island Heights
Lakewood Township

Ocean Gate
South Toms River
Tuckerton

Passaic County

Haledon
Passaic

Paterson

Salem County

Lower Alloways Creek Township
Mannington Township

Penns Grove
Salem

Somerset County

Bedminster Township

Sussex County

Andover
Frankford Township

Hamburg
Ogdensburg

Union County

Elizabeth

Plainfield

Warren County

Hardwick Township

Washington

*State of New Mexico**Bernalillo County*

Tijeras

Catron County

Reserve

<i>Chaves County</i>		<i>Torrance County</i>		<i>Clinton County</i>	
Dexter	Roswell	Encino	Moriarty	Altona Town	Ellensburg Town
Lake Arthur		Estancia	Mountainair	Keeseville	Mooers
<i>Colfax County</i>		<i>Union County</i>		Champlain	Mooers Town
Cimarron	Springer	Clayton	Folsom	Chazy Town	Plattsburgh
Maxwell		Des Moines	Grenville	Clinton Town	Saranac Town
<i>Curry County</i>		<i>Valencia County</i>		<i>Columbia County</i>	
Grady	Texico	Bosque Farms	Los Lunas	Ancram Town	Hudson
<i>De Baca County</i>		<i>State of New York</i>		Clermont Town	Taghkanic Town
Fort Sumner		<i>Albany County</i>		Chatham	
<i>Dona Ana County</i>		Albany	Green Island Town	<i>Cortland County</i>	
Hatch	Mesilla	Green Island	Altamont	Cincinnatus Town	Freetown Town
<i>Eddy County</i>		<i>Allegany County</i>		Cortland	Harford Town
Hope		Alfred	Caneadea Town	McGraw	Lapeer Town
<i>Grant County</i>		Allen Town	Centerville Town	Cuyler Town	Solon Town
Bayard	Hurley	Alma Town	Friendship Town	Homer	Willet Town
Central	Silver City	Amity Town	Genesee Town	<i>Delaware County</i>	
<i>Guadalupe County</i>		Andover	Granger Town	Andes Town	Fleischmanns
Santa Rosa	Vaughn	Andover Town	Grove Town	Bovina Town	Margaretville
<i>Harding County</i>		Angelica	Richburg	Franklin Town	Middletown Town
Mosquero	Roy	Angelica Town	Fillmore	Hancock	Roxbury Town
<i>Hidalgo County</i>		Belfast Town	Hume Town	Hancock Town	Hobart
Lordsburg	Virden	Birdsall Town	Independence Town	Meredith Town	Stamford Town
<i>Lea County</i>		Bolivar	New Hudson Town	Stamford	
Jal	Tatum	Bolivar Town	Rushford Town	<i>Dutchess County</i>	
Lovington		Canaseraga	Ward Town	Poughkeepsie	
<i>Lincoln County</i>		Burns Town	Willing Town	<i>Erie County</i>	
Capitan	Corona	<i>Broome County</i>		East Aurora	Springville
Carrizozo	Ruidoso Downs	Barker Town	Windsor	Farnham	Hamburg
<i>Luna County</i>		Binghamton		Buffalo	North Collins
Columbus	Deming	<i>Cattaraugus County</i>		<i>Essex County</i>	
<i>McKinley County</i>		Cold Spring Township	Leon Town	Chesterfield Town	Port Henry
Gallup		Conewango Town	East Randolph	Essex Town	Moriah Town
<i>Mora County</i>		South Dayton	Mansfield Town	Lewis Town	North Hudson Town
Wagon Mound		Dayton Town	Napoli Town	Minerva Town	Ticonderoga Town
<i>Quay County</i>		East Otto Town	Cattaraugus	<i>Franklin County</i>	
House	San Jon	Farmersville Town	Portville Town	Bangor Town	Dickinson Town
Logan	Tucumcari	Franklinville	Randolph	Bellmont Town	Fort Covington Town
<i>Rio Arriba County</i>		Franklinville Town	Randolph Town	Bombay Town	Franklin Town
Espanola		Hinsdale Town	Salamanca	Brandon Town	Malone
<i>Roosevelt County</i>		<i>Cayuga County</i>		Burke	Malone Town
Dora	Portales	Meridian	Moravia Town	Burke Town	Brushton
Floyd		Genoa Town	Sempronius Town	Chateaugay	Maira Town
<i>Sandoval County</i>		Port Byron	Throop Town	Chateaugay Town	Westville Town
Bernalillo	Jemez Springs	Mentz Town	Victory Town	Constable Town	
Cuba		Montezuma Town		<i>Fulton County</i>	
<i>San Miguel County</i>		<i>Chautauqua County</i>		Broadalbin Town	Northville
Las Vegas	Pecos	Arkwright Town	Harmony Town	Ephrath Town	Northampton Town
<i>Sierra County</i>		Cherry Creek	Fredonia	Gloversville	Oppenheim Town
Truth or Consequences		Cherry Creek Town	Pomfret Town	Mayfield	Stratford Town
<i>Socorro County</i>		Clymer Town	Brocton	<i>Genesee County</i>	
Magdalena	Socorro	Dunkirk	Portland Town	Alexander	Byron Town
<i>Taos County</i>		Dunkirk Town	Sherman	<i>Greene County</i>	
Questa	Taos	Ellington Town	Sherman Town	Ashland Town	Hunter
		French Creek Town	Cassadaga	Athens	Tannersville
		Silver Creek	Stockton Town	Cairo Town	Hunter Town
		Panama		Greenville Town	Windham Town
		<i>Chemung County</i>		Halcott Town	
		Wellsburg	Van Etten	<i>Herkimer County</i>	
		Catlin Town	Van Etten Town	Danube Town	Norway Town
		Elmira	Millport	Ilion	Ohio Town
		Erin Town		German Flatts Town	Cold Brook
		<i>Chenango County</i>		Herkimer	Salisbury Town
		Columbus Town	Pharsalia Town	Litchfield Town	Warren Town
		Coventry Town	Pitcher Town	Dolgeville	Webb Town
		German Town	Plymouth Town	Newport	
		Lincklaen Town	Preston Town	<i>Jefferson County</i>	
		McDonough Town	Sherburne	Adams	Antwerp
		New Berlin	Smyrna	Alexandria Town	Antwerp Town
		New Berlin Town	Smyrna Town		
		Otselic Town			

Dexter
Ellisburg
Mannsville
Ellisburg Town
Hounsfield Town
Lyme Town
Philadelphia Town
Rodman Town

Theresa Town
Watertown
Carthage
Deferiet
Herrings
Wilna Town
Worth Town

Kings County

New York

Lewis County

Croghan Town
Denmark Town
Diana Town
Greig Town
Harrisburg Town
Leyden Town
Lyonsdale Town

New Brehm Town
Osceola Town
Pinckney Town
Turin
Watson Town
West Turin Town

Livingston County

Geneseo
Geneseo Town
Leicester Town

Dansville
West Sparta Town

Madison County

Brookfield Town
Georgetown Town
Lebanon Town
Canastota
Lincoln Town

Smithfield Town
Munnsville
Stockbridge Town
Chittenango

Monroe County

Brockport
Churchville

Rochester

Montgomery County

Fort Johnson
Ames
Charleston Town

Glen Town
Nelliston
Palatine Town

Nassau County

Freeport
Hempstead
Great Neck Estates

Russell Gardens
Muttontown

Niagara County

Cambria Town
Niagara Falls

Wheatfield Town

Oneida County

Oriskany Falls
Augusta Town
Bridgewater
Bridgewater Town
Camden Town
Florence Town
Marshall Town
Clayville

Waterville
Steuben Town
Utica
Verona Town
Sylvan Beach
Vienna Town
Oriskany
Whitesboro

Onondaga County

Camillus
Fabius Town

Skaneateles
Syracuse

Ontario County

Naples

Orange County

Cornwall on Hudson
Crawford Town
Deerpark Town
Middletown
Kiryas Joel

Monroe Town
Newburgh
Port Jervis

Orleans County

Clarendon Town

Oswego County

Altmar
Albion Town

Boylston Town
Cleveland

Fulton
Hannibal
Orwell Town
Palermo Town

Redfield Town
Lacona
Phoenix
Williamstown Town

Otsego County

Cherry Valley Town
Decatur Town
Edmeston Town
Exeter Town
Hartwick Town
Laurens
Schenevus
Maryland Town
New Lisbon Town

Oneonta
Pittsfield Town
Plainfield Town
Richfield Springs
Roseboom Town
Springfield Town
Westford Town
Worcester Town

Rensselaer County

Rensselaer
Stephentown Town

Troy

Rockland County

Haverstraw
Haverstraw Town
Grand View-on-Hudson

Hillburn
New Square

St. Lawrence County

Brasher Town
Rensselaer Falls
Richville
De Kalb Town
De Peyster Town
Edwards
Edwards Town
Fowler Town
Gouverneur
Gouverneur Town
Hammond
Hammond Town
Hermon Town
Hopkinton Town
Lawrence Town
Lisbon Town
Macomb Town
Massena

Madrid Town
Massena Town
Morristown
Morristown Town
Norfolk Town
Ogdensburg
Heuvelton
Oswegatchie Town
Parishville Town
Norwood
Pierrepont Town
Potsdam
Potsdam Town
Rossie Town
Russell Town
Waddington
Waddington Town

Saratoga County

Day Town
Edinburg Town
Greenfield Town

Providence Town
Schuylerville

Schenectady County

Schenectady

Schoharie County

Blenheim Town
Conesville Town
Fulton Town
Schoharie

Schoharie Town
Seward Town
Summit Town

Schuyler County

Burdett
Montour Falls
Montour Town

Orange Town
Tyrone Town

Seneca County

Junius Town
Tyre Town

Varick Town

Steuben County

Addison
Addison Town
Avoca Town
Bath
Bath Town
Bradford Town
Cameron Town
Canistota
Canistota Town
Caton Town
Riverside
Greenwood Town
Hornby Town

Hornell
Howard Town
Jasper Town
Prattsburg Town
Pulteney Town
Rathbone Town
Thurston Town
Troupsburg Town
Tuscarora Town
Wayne Town
West Union Town
Woodhull
Woodhull Town

Suffolk County

Belle Terre
Patchogue

Shoreham

Sullivan County

Cochecton Town
Delaware Town
Fremont Town
Liberty
Liberty Town

Bloomington
Wurtsboro
Mamakating Town
Rockland Town

Tioga County

Barton Town
Candor Town

Richford Town
Spencer

Tompkins County

Caroline Town

Ithaca

Ulster County

Hardenbergh Town
Kingston
Rochester Town

Pine Hill
Ellenville

Warren County

Chester Town
Hague Town
Horicon Town

Lake Luzerne Town
Stony Creek Town
Thurman Town

Washington County

Argyle Town
Cambridge Town
Dresden Town
Fort Ann
Fort Ann Town
Fort Edward
Granville

Granville Town
Hartford Town
Hebron Town
Putnam Town
Salem
Salem Town
Whitehall Town

Wayne County

Clyde
Galen Town
Huron Town
Wolcott
Rose Town

Savannah Town
Sodus
Sodus Town
Red Creek
Wolcott Town

Westchester County

Buchanan
Elmsford
Larchmont
Mount Vernon

New Rochelle
Port Chester
Rye Town

Wyoming County

Bennington Town
Eagle Town

Genesee Falls Town
Pike

Yates County

Barrington Town
Italy Town
Penn Yan
Jerusalem Town

Milo Town
Potter Town
Dresden

State of North Carolina

Alamance County

Alamance

Alexander County

Taylorsville

Anson County

Ansonville
Lilesville
McFarlan
Morven

Peachland
Polkton
Wadesboro

Ashe County

Jefferson

Lansing

Avery County

Elk Park

Newland

<i>Beaufort County</i>		<i>Franklin County</i>		<i>Moore County</i>	
Aurora	Chocowinity	Bunn	Louisburg	Cameron	Vass
Bath	Pantego	Franklinton	Youngsville	Robbins	
Belhaven	Washington				
<i>Bertie County</i>		<i>Gaston County</i>		<i>Nash County</i>	
Askewville	Powellsville	Belmont	Lowell	Bailey	Red Oak
Aulander	Roxobel	Bessemer City	McAdenville	Castalia	Rocky Mount
Kelford	Windsor	Cramerton	Mount Holly	Dortches	Sharpsburg
Lewiston		Dallas	Ranlo	Middlesex	Spring Hope
				Nashville	
<i>Bladen County</i>		<i>Graham County</i>		<i>New Hanover County</i>	
Bladenboro	Elizabethtown	Robbinsville		Wilmington	
Clarkton	Tar Heel				
Dublin					
<i>Brunswick County</i>		<i>Granville County</i>		<i>Northampton County</i>	
Navassa	Sunset Beach	Creedmoor	Oxford	Conway	Seaboard
				Garysburg	Severn
<i>Burke County</i>		Snow Hill	Walstonburg	Jackson	Woodland
Glen Alpine					
<i>Cabarrus County</i>		<i>Halifax County</i>		<i>Onslow County</i>	
Concord		Enfield	Roanoke Rapids	Holly Ridge	
		Hobgood	Scotland Neck		
<i>Carteret County</i>		Littleton	Weidon	Hillsborough	
Beaufort					
<i>Caswell County</i>		<i>Harnett County</i>		<i>Pamlico County</i>	
Milton		Angier	Dunn	Alliance	Oriental
		Coats		Bayboro	Stonewall
<i>Catawba County</i>		<i>Haywood County</i>		Mesic	Vandemere
Brookford	Newton	Canton	Hazelwood		
		Clyde	Waynesville		
<i>Cherokee County</i>		<i>Henderson County</i>		<i>Pasquotank County</i>	
Andrews	Murphy	Hendersonville		Elizabeth City	
<i>Chowan County</i>		<i>Hertford County</i>		<i>Pender County</i>	
Edenton		Ahoskie	Como	Burgaw	
		Cofield	Murfreesboro		
<i>Cleveland County</i>		<i>Iredell County</i>		Hertford	Winfall
Belwood	Lattimore	Harmony	Statesville		
Casar	Lawndale	Love Valley		Roxboro	
Fallston	Mooreboro				
Grover	Shelby				
Kings Mountain	Waco				
<i>Columbus County</i>		<i>Johnston County</i>		<i>Pitt County</i>	
Bolton	Fair Bluff	Benson	Pine Level	Ayden	Fountain
Brunswick	Lake Waccamaw	Clayton	Princeton	Bethel	Gritton
Cerro Gordo	Tabor City	Four Oaks	Selma	Falkland	Grimesland
Chadbourn		Kenly	Smithfield	Farmville	Winterville
		Micro			
<i>Craven County</i>		<i>Jones County</i>		<i>Polk County</i>	
Bridgeton	Havelock	Maysville	Trenton	Tryon	
Cove City	New Bern	Pollocksville			
Dover	Vanceboro				
<i>Cumberland County</i>		<i>Lenoir County</i>		<i>Randolph County</i>	
Godwin	Spring Lake	Kinston	Pink Hill	Archdale	Staley
Linden	Wade			Randleman	
<i>Dare County</i>		<i>McDowell County</i>		<i>Richmond County</i>	
Kitty Hawk		Old Fort		Ellerbe	Hoffman
				Hamlet	Norman
<i>Davidson County</i>		<i>Madison County</i>		<i>Robeson County</i>	
Lexington		Hot Springs	Marshall	Fairmont	Proctorville
				Maxton	Raynham
<i>Duplin County</i>		<i>Martin County</i>		Orum	Red Springs
Beulaville	Rose Hill	Hamilton	Parrale	Parkton	Rennert
Calypso	Teachey	Hessell	Robersonville	Pembroke	Rowland
Greenevers	Warsaw	Oak City	Williamston		
Magnolia					
<i>Edgecombe County</i>		<i>Mecklenburg County</i>		<i>Rockingham County</i>	
Leggett	Speed	Cornelius		Reidsville	
Pinetops	Whitakers	Bakersville			
Princeville					
		<i>Mitchell County</i>		<i>Rowan County</i>	
		<i>Montgomery County</i>		East Spencer	Rockwell
		Biscoe	Star	Landis	
		Mount Gilead	Troy		
				<i>Rutherford County</i>	
				Alexander Mills	Ruth
				Bostic	Spindale
				Lake Lure	

Sampson County

Autryville
Clinton
Harrells

Newton Grove
Roseboro
Turkey

Scotland County

East Laurinburg
Gibson

Laurinburg
Wagram

Stanly County

New London

Richfield

Stokes County

Walnut Cove

Surry County

Mount Airy

Swain County

Bryson City

Transylvania County

Rosman

Tyrrell County

Columbia

Union County

Marshville

Monroe

Vance County

Henderson
Kittrell

Middleburg

Wake County

Holly Springs

Zebulon

Warren County

Norlina

Warrenton

Washington County

Creswell
Plymouth

Roper

Wayne County

Eureka
Fremont

Mount Olive

Wilkes County

Ronda

Wilson County

Elm City
Saratoga

Stantonsburg
Wilson

Yadkin County

Arlington
East Bend

Jonesville

Yancey County

Burnsville

State of North Dakota**Adams County**

Clermont Township
Gilstrap Township
Holden Township
North Lemmon Township
Orange Township

Scott Township
Taylor Butte Township
Whetstone Township
Wolf Butte Township

Barnes County

Anderson Township
Ashtabula Township
Dazey Township
Getchell Township
Grand Prairie Township
Greenland Township
Hemen Township
Lake Town Township

Meadow Lake Township
Nelson Township
Nome
Oakhill Township
Oriska Township
Pierce Township
Potter Township
Rogers Township

Rosebud Township
Sanborn
Sibley Trail Township
Skandia Township
Spring Creek Township

Benson County

Albert Township
Arne Township
Aurora Township
Beaver Township
Brinsmade
Butte Valley Township
East Fork Township
Impark Township
Knox Township
Lake Ibsen Township
Lallie Township
Mission Township
Normania Township

North Viking Township
Oberon Township
Rich Valley Township
Rock Township
South Viking Township
Twin Tree Township
Warwick Township
West Antelope
Township
West Bay Township
Wood Lake Township
York

Bottineau County

Amity Township
Antler Township
Bentinck Township
Blaine Township
Cecil Township
Cordelia Township
Dalen Township
Elms Township
Elysian Township
Gardenia
Haram Township
Hastings Township
Kane Township
Kramer
Landa

Lewis Township
Maxbass
Newborg Township
Oak Creek Township
Oak Valley Township
Pickering Township
Renville Township
Roland Township
Sergius Township
Sherman Township
Tacoma Township
Wayne Township
Wellington Township
Whitby Township
Willow City

Bowman County

Amor Township
Boyesen Township
Buena Vista Township
Gem Township
Goldfield Township
Haley Township

Hart Township
Minnehala Township
Rhame Township
Scranton Township
Star Township
Talbot Township

Burke County

Bowbells Township
Cleary Township
Colville Township
Dale Township
Flaxton
Garness Township
Harmonous Township
Kandiyohi Township
Lakeview Township
Larson

Lignite
North Star Township
Portal
Portal Township
Powers Lake
Richland Township
Roseland Township
Soo Township
Vale Township
Ward Township

Burleigh County

Canfield Township
Clear Lake Township
Cromwell Township
Estherville Township
Florence Lake Township
Frances Township
Ghylin Township
Gibbs Township
Grass Lake Township
Harriett Township
Hazel Grove Township
Lein Township
Logan Township
Long Lake Township
McKenzie Township

Menoken Township
Missouri Township
Morton Township
Painted Woods
Township
Regan
Rock Hill Township
Sibley Butte Township
Steiber Township
Sterling Township
Taft Township
Telfer Township
Wild Rose Township
Wing

Cass County

Addison Township
Alice
Amenia
Arthur Township
Ayr Township
Buffalo
Buffalo Township

Clifton Township
Dows Township
Durbin Township
Eldred Township
Everest Township
Gardner
Gill Township

Highland Township
Hill Township
Howes Township
Lake Township
Leonard
Leonard Township
Maple River Township

Noble Township
Pontiac Township
Rich Township
Rochester Township
Rush River Township
Watson Township

Cavalier County

Alma Township
Alsen
Billings Township
Calio
Cypress Township
Dresden Township
Easby Township
East Alma Township
Fremont Township
Glenila Township
Gordon Township
Grey Township
Hannah
Hay Township
Hope Township

Langdon Township
Loam Township
Milton
Minto Township
Moscow Township
Sarles
Mount Carmel Township
Nekoma Township
North Loma Township
North Olga Township
Osford Township
Perry Township
Seivert Township
South Dresden Township
Waterloo Township

Dickey County

Ada Township
Albertha Township
Clement Township
Divide Township
Ellendale Township
Elm Township
Fullerton
German Township
Hamburg Township
Hudson Township
Kentner Township

Keystone Township
Lovell Township
Monango
Port Emma Township
Porter Township
Riverdale Township
Spring Valley Township
Valley Township
Wright Township
Young Township

Divide County

Ambrose Township
Blooming Valley
Township
Coalfield Township
Fillmore Township
Gooseneck Township
Hayland Township

Noonan
Palmer Township
Smoky Butte Township
Stoneview Township
Troy Township
Westby Township

Dunn County

Dunn Center City

Eddy County

Cherry Lake Township
Columbia Township
Eddy Township
Gates Township
Hillsdale Township
Lake Washington
Township

Munster Township
New Rockford Township
Rosefield Township
Sheldon Township
Tiffany Township

Emmons County

Braddock
Buchanan Valley
Township
Campbell Township
Danbury Township
Hague

Harding Township
Hazelton Township
Lincoln Township
Linton
Prairie View Township
Strasburg

Foster County

Birtsell Township
Bordulac Township
Bucephalia Township
Eastman Township
Estabrook Township
Florance Township
Glenfield Township
Haven Township

Grace City
McHenry Township
McKinnon Township
Nordmore Township
Rolling Prairie Township
Rose Hill Township
Wyard Township

Golden Valley County

Beach Township
Delhi Township
Golva

Lone Tree Township
Saddle Butte Township

Grand Forks County

Agnes Township
Chester Township
Elm Grove Township
Falconer Township
Gilby Township
Grace Township
Hegton Township
Inkster Township
Levant Township

Lind Township
Moraine Township
Niagara Township
Oakville Township
Strabane Township
Turtle River Township
Walle Township
Washington Township
Wheatfield Township

Grant County

Carson
Elm Township
Fisher Township
Lark Township
Leipzig Township
Leith
Minnie Township

Otter Creek Township
Pretty Rock Township
Raleigh Township
Rock Township
Schultz Township
Winona Township

Griggs County

Ball Hill Township
Bartley Township
Broadview Township
Bryan Township
Hannaford
Helena Township
Kingsley Township

Lenora Township
Mabel Township
Romness Township
Rosendal Township
Sverdrup Township
Tyrol Township
Washburn Township

Hettinger County

Acme Township
Alden Township
Berry Township
Black Butte Township
Campbell Township
Cannon Ball Township
Chilton Township
Farina Township
Highland Township

Madison Township
Merrill Township
Mott Township
Odessa Township
Rifle Township
St Croix Township
Steiner Township
Wagendorf Township

Kidder County

Allen Township
Atwood Township
Baker Township
Buckeye Township
Bunker Township
Clear Lake Township
Crystal Springs
Township
Dawson
Excelsior Township
Frettim Township
Graf Township
Haynes Township
Kickapoo Township
Lake Williams Township
Manning Township
Merkel Township

Peace Township
Petersville Township
Pettibone
Pettibone Township
Pleasant Hill Township
Sibley Township
Steele
Tappen
Tappen Township
Tuttle
Tuttle Township
Valley Township
Vernon Township
Weiser Township
Westford Township
Williams Township
Woodlawn Township

La Moure County

Badger Township
Berlin
Black Loam Township
Dean Township
Dickey City
Glen Township
Glenmore Township
Grand Rapids Township
Greenville Township
Henrietta Township
Mikkelsen Township

Nora Township
Norden Township
Ovid Township
Pearl Lake Township
Pomona View Township
Roscoe Township
Russell Township
Ryan Township
Saratoga Township
Verona
Wano Township

Logan County

Bryant Township
Dixon Township
Fredonia
Gutschmidt Township
Haag Township

Kroeber Township
Napoleon
Red Lake Township
Sealy Township

McHenry County

Anamoose
Anamoose Township

Balfour Township
Bantry

Bantry Township
Berwick Township
Bjornson Township
Brown Township
Cottonwood Lake
Township
Deep River Township
Deering Township
Denbigh Township
Drake
Egg Creek Township
Falsen Township
Karlsruhe
Karlsruhe Township
Kief
Kottke Valley Township
Lake George Township

McIntosh County

Lehr

Lake Hester Township
Land Township
Layton Township
Mouse River Township
Newport Township
Normal Township
North Prairie Township
Odin Township
Olivia Township
Pratt Township
Rose Hill Township
Schiller Township
Spring Grove Township
Streg Township
Villard Township
Voltaire
Wagar Township

Zeeland

McKenzie County

Alex Township
Alexander
Arnegard
Bear Den Township
Charbon Township
Elk Township
Elm Tree Township

Grail Township
Northfork Township
Randolph Township
Rhoades Township
Sioux Township
Twin Valley Township
Wilbur Township

McLean County

Amundsville Township
Andrews Township
Blackwater Township
Blue Hill Township
Butte Township
Byersville Township
Deepwater Township
Dogden Township
Douglas Township
Gate Township
Horseshoe Valley
Township
Lake Williams Township

Loquemont Township
McGinnis Township
Malcolm Township
Max
Medicine Hill Township
Roseglenn Township
Rosemont Township
St. Mary Township
Snake Creek Township
Turtle Lake
Victoria Township
Wise Township

Morton County

Almont

Engelter Township

Mountrail County

Alger Township
Austin Township
Burke Township
Clearwater Township
Cottonwood Township
Crane Creek Township
Crowfoot Township
Debing Township
Egan Township
Fertile Township
Howie Township
Kickapoo Township
Lostwood Township
Lowland Township
Mcalmond Township

McGahan Township
Model Township
Mountrail Township
Osborn Township
Osloe Township
Palermo
Palermo Township
Parshall
Powers Lake Township
Ross Township
Sidonia Township
Sikes Township
Sorkness Township
Spring Coulee Township
Van Hook Township

Nelson County

Adler Township
Bergen Township
Field Township
Forde Township
Lakota
Lakota Township
McVillie

Melvin Township
Nesheim Township
Ora Township
Petersburg Township
Rugh Township
Sarnia Township

Pembina County

Advance Township
Beaulieu Township
Crystal
Crystal Township
Elora Township
Hamilton Township

Joliet Township
Midland Township
Nech Township
Park Township
Pembina Township
Thingvalla Township

Pierce County

Alexander Township
Antelope Lake Township
Balta
Barton
Elling Township
Hagel Township

Jefferson Township
Meyer Township
Reno Valley Township
Truman Township
White Township

Ramsey County

Bartlett Township
De Groat Township
Dry Lake Township
Fancher Township
Freshwater Township
Harding Township
Klingstrup Township
Lawton
Lawton Township
Lillehoff Township

Minnewaukan Township
Noonan Township
Northfield Township
Odessa Township
Overland Township
Royal Township
South Minnewaukan
Township
Starkweather
Triumph Township

Ransom County

Aliceton Township
Alleghany Township
Big Bend Township
Casey Township
Coburn Township
Elliott
Fort Ransom
Fort Ransom Township
Greene Township
Hanson Township
Isley Township

Liberty Township
Moore Township
Owego Township
Preston Township
Rosemeade Township
Sandoun Township
Scoville Township
Sheldon
Shenford Township
Springer Township
Sydna Township

Renville County

Brandon Township
Eden Valley Township
Fairbanks Township
Grassland Township
Grover Township
Hamlet Township
Hurley Township
Ivanhoe Township

Lockwood Township
McKinney Township
Muskego Township
Prosperity Township
Rockford Township
Stafford Township
Tolley

Richland County

Abercrombie Township
Belford Township
Brandenburg Township
Brightwood Township
Center Township
Danton Township
Devillo Township
Dexter Township
Duerr Township
Elma Township
Freeman Township
Garborg Township

Grant Township
Great Bend
Greendale Township
Hankinson
Homestead Township
Ibsen Township
Mantador
Mooreton Township
Moran Township
Sheyenne Township
Viking Township
Wyndmere Township

Rolette County

Currie Township
Dunseith
Maryville Township
Mylo

Rolla
Shell Valley Township
South Valley Township

Sargent County

Cogswell
Dunbar Township
Hall Township
Harlem Township
Herman Township
Kingston Township

Rutland Township
Sargent Township
Shuman Township
Southwest Township
Tewaukon Township
Vivian Township

Sheridan County

Berlin Township
Boone Township
Denhoff Township
Fairview Township
Goodrich
Goodrich Township
Highland Township
Holmes Township

Lincoln Dale Township
Martin
Martin Township
Mauch Township
New Germantown TWP
Pickard Township
Strassburg Township

Sioux County

Fort Yates
Selfridge
Solen

Slope County

Connor Township
Marmarth
Sand Creek Township

Stark County

Belfield City
Richardson City
South Heart City
Taylor City

Steele County

Beaver Creek Township
Colgate Township
Edendale Township
Franklin Township
Golden Lake Township
Greenview Township
Hugo Township
Melrose Township
Primrose Township
Riverside Township
Sharon Township

Stutsman County

Alexander Township
Ashland Township
Corinne Township
Cusator Township
Durham Township
Eldridge Township
Gerber Township
Germania Township
Glacier Township
Griffin Township
Hidden Township
Jim River Valley
Township
Kensal
Kensal Township
Lenton Township
Lowery Township
Lyon Township
Manns Township
Marston Moor TWP
Medina
Montpelier Township
Nogosek Township
Paris Township
Peterson Township
Pingree
Pingree Township
Pipestem Valley
Township
Rose Township
Severn Township
Sharlow Township
Stirton Township
Strong Township
Valley Spring Township
Walters Township
Weld Township
Ypsilanti Township

Tower County

Armourdale Township
Atkins Township
Coolin Township
Crocus Township
Dash Township
Grainfield Township
Hansboro Township
Lansing Township
Mount View Township
Paulson Township
Rocklake Township
Sidney Township
Smith Township
Springfield Township
Teddy Township
Twin Hill Township
Victor Township

Trail County

Belmont Township
Clifford
Eldorado Township
Garfield Township
Herberg Township
Norman Township
Norway Township
Portland Township
Stavanger Township
Viking Township
Wold Township

Walsh County

Action Township
Adams Township
Ardoch Township
Cleveland Township
Dewey Township
Dundee Township
Eden Township
Edinburg
Fairdale
Farmington Township
Fertile Township
Fordville
Forest River Township
Glenwood Township
Golden Township
Grafton Township
Harriston Township
Hoopie
Kensington Township
Lampton Township
Latona Township
Martin Township
Minto
Norton Township
Perth Township
Pieck
Prairie Center Township
Pulaski Township
Rushford Township
St. Andrews Township
Sauter Township
Shepherd Township
Silvesta Township
Tiber Township
Vernon Township
Walshville Township

Ward County

Brilliant Township
Carbondale Township

Carpio Township
Denmark Township
Des Lacs
Donnybrook
Elmdale Township
Freedom Township
Greely Township
Greenbush Township
Lund Township
Mandan Township
Maryland Township
Mayland Township
Ree Township
Rolling Green Township
Rushville Township
Ryder
Sauk Prairie Township
Sawyer
Sawyer Township
Shealey Township
Spencer Township
Torming Township
Vang Township
Waterford Township
Willis Township

Wells County

Berlin Township
Bilodeau Township
Bowdon
Bull Moose Township
Cathay
Chaseley Township
Crystal Lake Township
Delger Township
Fairville Township
Forward Township
Hamberg
Hawksnest Township
Hillsdale Township
Lynn Township
Manfred Township
Norway Lake Township
Pony Gulch Township
St. Anna Township
Sykeston
Sykeston Township
Valhalla Township
Wells Township
Western Township
West Norway Township
W. Ontario Township
Woodward Township

Williams County

Alamo
Big Meadow Township
Big Stone Township
Blue Ridge Township
Bonetrail Township
Climax Township
Dry Fork Township
East Fork Township
Equality Township
Farmvale Township
Hardscrabble Township
Hebron Township
Lindahl Township
Mont Township
Round Prairie Township
Scorio Township
Springbrook Township
Stony Creek Township
Strandahl Township
Trenton Township
Truax Township
View Township
West Bank TWP
Wheelock

*State of Ohio**Adams County*

Bratton Township
Brush Creek Township
Franklin Township
Rome
Green Township
Jefferson Township
Liberty Township
Manchester
Manchester Township
Peebles
Meigs Township
Monroe Township
West Union
Oliver Township
Seaman
Scott Township
Sprigg Township
Tiffin Township
Wayne Township
Winchester
Winchester Township

Allen County

Harrod
Lima
Sugar Creek Township

Ashland County

Clear Creek Township
Jackson Township
Mifflin
Mifflin Township
Orange Township
Sullivan Township
Troy Township

Ashtabula County

Cherry Valley
Township
Colebrook Township
Denmark Township
Dorset Township
Lenox Township
Pierpont Township
Richmond Township
Rome Township
Windsor Township

Athens County

Ames Township
Athens
Bern Township
Albany
Canaan Township
Carthage Township
Dover Township
Lodi Township
Rome Township
Glouster
Jacksonville
Trimbel
Trimbel Township
Coolville
Troy Township
Waterloo Township
Buchtel
Nelsonville
York Township

Auglaize County

Salem Township

Belmont County

Colerain Township
Flushing
Holloway
Flushing Township
Kirkwood Township
Bridgeport
Bellaire
Pultney Township
Somerset Township
Morristown
Union Township
Barnesville
Washington Township
Wayne Township
Wheeling Township

Brown County

Byrd Township
Hammersville
Clark Township
Eagle Township
Franklin Township
Green Township
Huntington Township
Russellville
Jefferson Township
Higginsport
Lewis Township
Fayetteville
Perry Township
Pike Township
Georgetown
Pleasant Township
Scott Township
Sterling Township
Ripley
Union Township
Sardinia
Washington Township

Butler County

Hamilton
Liberty Township
Somerville
New Miami
Jacksonburg

Carroll County

Fox Township
Lee Township
Dellroy
Perry Township
Union Township
Washington Township

Champaign County

Adams Township
Harrison Township
Union Township

Clark County

Lawrenceville
Springfield

Clermont County

Batavia
Chilo
Felicity
Franklin Township
Jackson Township
Ohio Township
New Richmond
Newtownsville
Wayne Township
Williamsburg

Clinton County

Adams Township
Chester Township
Martinsville
Clark Township
New Vienna
Green Township
Midland
Jefferson Township
Port William
Sabina
Richland Township
Clarksville
Washington Township
Wayne Township
Wilson Township

Columbiana County

East Liverpool
Summitville
Franklin Township
Salineville
Rogers
Washingtonville
East Palestine
Washington Township
Wellsville

Coshocton County

Bedford Township
Clark Township
Crawford Township
Linton Township
Mill Creek Township
Newcastle Township
Perry Township
Tiverton Township
Tuscarawas Township
Washington Township

Crawford County

Tiro
Auburn Township
Chatfield
Chatfield Township
Dallas Township
Tod Township
Vernon Township

Cuyahoga County

Cleveland East Cleveland
Cleveland Heights

Darke County

Gettysburg Union City
New Weston Jackson Township
Allen Township Palestine
Castine Richland Township
Butler Township Arcanum
Hollansburg York Township

Defiance County

Farmer Township Mark Township

Delaware County

Berlin Township Ostrander
Harlem Township Sunbury

Erie County

Margaretta Township

Fairfield County

Amanda West Rushville
Amanda Township Richland Township
Stoutsville Pleasantville
Clear Creek Township Millersport

Fayette County

Green Township Paint Township
Milledgeville Bloomingburg
Jasper Township Perry Township
Jeffersonville Washington
Madison Township

Franklin County

Lockbourne Columbus
Urbancrest Harrisburg

Fulton County

Chesterfield Township Gorham Township
Wauseon York Township
Franklin Township

Gallia County

Clay Township Vinton
Gallipolis Huntington Township
Gallipolis Township Morgan Township
Greenfield Township Ohio Township
Guyan Township Springfield Township
Harrison Township Walnut Township

Geauga County

Parkman Township Troy Township

Greene County

Cedarville Ross Township
Cedarville Township Jamestown
Bowersville Silver Creek Township
Yellow Springs Spring Valley
Miami Township

Guernsey County

Adams Township Monroe Township
Jefferson Township Lore City
Knox Township Oxford Township
Kimbolton Seneca
Liberty Township Richland Township
Fairview Cumberland
Londonderry Township Spencer Township
Quaker City Valley Township
Salesville Washington Township
Millwood Township Wheeling Township

Hamilton County

Cincinnati Cleves
Elmwood Place Miami Township
Lincoln Heights St Bernard
Addyston Woodlawn

Hancock County

Vanlue Portage Township
Blanchard Township Rawson
Cass Township Jenera
Arlington Van Buren Township

Hardin County

Buck Township Alger
Dudley Township McGuffey
Goshen Township Marion Township
Mount Victory Roundhead Township
Lynn Township Taylor Creek Township
McDonald Township Washington Township

Harrison County

New Athens Hopedale
Athens Township Green Township
Deersville Moorefield Township
Freeport Nottingham Township
Freeport Township Short Creek Township
German Township Washington Township

Henry County

Flatrock Township Malinta

Highland County

Bush Creek Township Marshall Township
Concord Township Paint Township
Highland Salem Township
Jackson Township Union Township
Liberty Township Washington Township
Greenfield Mowrystown
Madison Township

Hocking County

Benton Township Starr Township
Laurel Township Murray City
Marion Township Ward Township
Laurelville Washington Township
Perry Township

Holmes County

Berlin Township Paint Township
Clark Township Prairie Township
Millersburg Ripley Township
Killbuck Salt Creek Township
Monroe Township Walnut Creek Township

Huron County

Clarksfield Township Wakeman
Ripley Township Wakeman Township
Sherman Township

Jackson County

Bloomfield Township Oak Hill
Coalton Jackson
Coal Township Lick Township
Franklin Township Madison Township
Hamilton Township Milton Township
Jackson Township Scioto Township
Jefferson Township Washington Township
Liberty Township Wellston

Jefferson County

Empire Bergholz
Ross Township Springfield Township
Irondale Steubenville
Saline Township Bloomingdale
Smithfield Brilliant
Amsterdam

Knox County

Brown Township Jefferson Township
Butler Township Miller Township
Clinton Township Pike Township
Harrison Township Danville
Centerburg Gann
Hilliard Township Union Township
Jackson Township

Lawrence County

Aid Township Athalia
Decatur Township Symmes Township
Elizabeth Township Chesapeake
Hanging Rock Proctorville
Hamilton Township Union Township
Lawrence Township Upper Township
Mason Township Washington Township
Ironton Windsor Township

Licking County

Bowling Green Township Hartford Township
Fallsbury Township Hopewell Township
Kirkersville Alexandria
Harrison Township Buckeye
Hartford

Logan County

Zanesfield Miami Township
West Liberty De Craf
Huntsville Perry Township
McArthur Township Pleasant Township
Quincy Union Township

Lorain County

Kipton Lagrange
South Amherst Lagrange Township
Grafton Township Sheffield

Lucas County

Harbor View Toledo
Spencer Township

Madison County

Canaan Township Pleasant Township
Darby Township Range Township
Plain City South Solon
Pike Township Stokes Township
Mount Sterling Union Township

Mahoning County

Jackson Township Youngstown
Craig Beach

Marion County

Grand Township Morral
New Bloomington Salt Rock Township
Pleasant Township

Medina County

Homer Township Spencer
Montville Township

Meigs County

Bedford Township Rutland Township
Chester Township Salem Township
Columbia Township Pomeroy
Lebanon Township Salisbury Township
Letart Township Racine
Olive Township Syracuse
Orange Township Sutton Township
Rutland

Mercer County

Burkettsville Hopewell Township
Montezuma

Miami County

Bradford Pleasant Hill
Elizabeth Township Newton Township
Cassstown Potsdam

Monroe County

Adams Township Clarrington
Benton Township Seneca Township
Bethel Township Lewisville
Stafford Summit Township
Franklin Township Beallsville
Miltonsburg Switzerland Township
Malaga Township Washington Township
Perry Township Wayne Township

Montgomery County

Dayton

Morgan County

Deerfield Township Union Township
 Chesterhill Stockport
 Marion Township Windsor Township
 Penn Township York Township

Morrow County

Congress Township Peru Township
 Franklin Township Troy Township
 Fulton

Muskingum County

Adams Township Meigs Township
 Blue Rock Township Fultonham
 Cass Township Newton Township
 Philo Rich Hill Township
 Harrison Township South Zanesville
 Gratiot Norwich
 Madison Township Zanesville

Noble County

Batesville Jackson Township
 Beaver Township Dexter City
 Buffalo Township Jefferson Township
 Sarahsville Summerfield
 Center Township Marion Township
 Elk Township Belle Valley
 Enoch Township Stock Township

Paulding County

Haviland Cecil
 Blue Creek Township Crane Township
 Melrose Broughton
 Oakwood Washington Township
 Brown Township

Perry County

Bearfield Township Corning
 Clayton Township Rendville
 Crooksville Monroe Township
 Glenford New Lexington
 Junction City Pike Township
 Jackson Township Hemlock
 Madison Township Shawnee
 Roseville Salt Lick Township

Pickaway County

Circleville Darbyville
 Williamsport Muhlenberg Township
 Deer Creek Township Perry Township
 Madison Township Tarlton
 New Holland Wayne Township

Pike County

Beaver Township Pebble Township
 Benton Township Perry Township
 Beaver Scioto Township
 Camp Creek Township Piketon
 Jackson Township Seal Township
 Marion Township Sunfish Township
 Mifflin Township Union Township
 Newton Township

Portage County

Deerfield Township Brady Lake

Preble County

Dixon Township Eldorado
 Verona Camden
 West Elkton Somers Township
 Jefferson Township

Putnam County

Cloverdale Union Township
 Dupont Belmore

Richland County

Blooming Grove Cass Township
 Township Lucas
 Butler Township Butler
 Shiloh

Ross County

South Salem Jefferson Township
 Buckskin Township Liberty Township
 Concord Township Paint Township
 Deerfield Township Bainbridge
 Franklin Township Paxton Township
 Green Township Twin Township
 Harrison Township

Sandusky County

Fremont Riley Township

Scioto County

Bloom Township Nile Township
 Otway Portsmouth
 Brush Creek Township Rarden
 Green Township Rarden Township
 Harrison Township Rush Township
 Jefferson Township Union Township
 Madison Township Valley Township
 Morgan Township Vernon Township
 New Boston Washington Township

Seneca County

Bloomville Republic
 Hopewell Township Scipio Township

Shelby County

Russia Kettlersville
 Turtle Creek Township Lockington

Stark County

Navarre Wilmot

Summit County

Clinton Twinsburg Township
 Macedonia

Trumbull County

Bloomfield Township Johnston Township
 West Farmington Mesopotamia Township
 Farmington Township Orangeville
 Greene Township

Tuscarawas County

Bucks Township Rush Township
 Clay Township Dennison
 Barnhill Salem Township
 Uhrichsville Union Township
 Mill Township Warren Township
 Gnadentutzen Washington Township
 Midvale Wayne Township

Union County

Richwood Millcreek Township
 Unionville Center Union Township
 Magnetic Springs

Van Wert County

Scott Elgin

Vinton County

Brown Township Knox Township
 Hamden Madison Township
 Clinton Township Richland Township
 Eagle Township Swan Township
 Elk Township Vinton Township
 Harrison Township Wilkesville
 Jackson Township

Warren County

Hamilton Township South Lebanon
 Pleasant Plain Morrow
 Harlan Township Salem Township
 Harveysburg Union Township
 Massie Township Corwin

Washington County

Macksburg Decatur Township
 Aurelius Township Matamora
 Barlow Township Grandview Township

Independence Township Palmer Township
 Lawrence Township Warren Township
 Liberty Township Waterford Township
 Ludlow Township Wesley Township

Wayne County

Marshallville Fredericksburg
 Burbank Salt Creek Township
 Congress Sugar Creek Township
 Paint Township

Williams County

Bridgewater Township Northwest Township
 Blakeslee

Wood County

Bairdstown Bradner
 Bloomdale Rising Sun
 Jerry City Portage Township
 Custar

Wyandot County

Nevada Pitt Township
 Jackson Township Ridge Township
 Kirby Salem Township
 Marseilles Sycamore
 Marseilles Township Sycamore Township
 Harpster Tymochtee Township

*State of Oklahoma**Adair County*

Stillwell Westville
 Watta

Alfalfa County

Aline Goltry
 Burlington Jet
 Carmen

Atoka County

Atoka Tushka
 Stringtown Wardville

Beaver County

Gate Knowles

Beckham County

Carter Sayre
 Erick

Blaine County

Geary Longdale
 Greenfield

Bryan County

Achille Durant
 Bennington Hendrix
 Caddo Kemp
 Colbert

Caddo County

Anadarko Cement
 Binger Eakly
 Bridgeport Gracemont
 Carnegie

Carter County

Ardmore Ratliff City
 Dickson Tatums
 Gene Autry Wilson

Cherokee County

Hulbert Tahlequah

Choctaw County

Boswell Soper
 Fort Towson

Cimarron County

Boise City

<i>Cleveland County</i>		<i>Jackson County</i>		<i>Mayes County</i>	
Lexington		East Duke	Martha	Adair	Salina
		Eldorado	Olustee	Disney	Spavinaw
		Elmer		Locust Grove	
<i>Coal County</i>		<i>Jefferson County</i>		<i>Murray County</i>	
Centrahoma	Phillips	Addington	Ryan	Dougherty	Sulphur
Coalgate	Tupelo	Cornish	Sugden		
Lehigh		Hastings	Terral		
<i>Comanche County</i>		<i>Johnston County</i>		<i>Muskogee County</i>	
Cache	Indiahoma	Bromide	Ravia	Boynton	Oktaha
Faxon	Medicine Park	Mannsville	Tishomingo	Briggs	Porum
Fletcher	Sterling	Milburn	Wapanucka	Council Hill	Summit
Geronimo				Fort Gibson	Taft
				Haskell	Wainwright
				Muskogee	Webbers Falls
<i>Cotton County</i>		<i>Kay County</i>		<i>Noble County</i>	
Temple	Walters	Blackwell	Kaw	Billings	Red Rock
<i>Craig County</i>		<i>Kingfisher County</i>		<i>Nowata County</i>	
Big Cabin	Vinita	Dover	Okarche	Delaware	New Alluwe
Ketchum		Hennessey		Lenapah	Wann
<i>Creek County</i>		<i>Kiowa County</i>		<i>Okfuskee County</i>	
Bristow	Kiefer	Cooperton	Mountain Park	Boley	Paden
Depew	Oilton	Gotebo	Mountain View	Castle	Weleetka
Drumright	Shamrock	Hobart	Roosevelt	Okemah	
<i>Custer County</i>		<i>Latimer County</i>		<i>Oklahoma County</i>	
Arapaho	Custer City	Red Oak	Wilburton	Harrah	Nicoma Park
Butler	Thomas			Jones	Smith Village
Clinton				Luther	
<i>Delaware County</i>		<i>Le Flore County</i>		<i>Okmulgee County</i>	
Bernice	Kansas	Arkoma	Howe	Beggs	Henryetta
Colcord	Oaks	Bokoshe	Le Flore	Bryant	Hoffman
Jay	West Siloam Springs	Cameron	Panama	Dewar	Morris
<i>Dewey County</i>		<i>Lincoln County</i>		<i>Osage County</i>	
Camargo	Seiling	Agra	Sparks	Avant	Osage
Oakwood		Chandler	Tryon	Burbank	Pawhuska
<i>Ellis County</i>		Davenport	Warwick	Fairfax	
Gage		Fallis	Wellston		
<i>Garfield County</i>		Kendrick		<i>Ottawa County</i>	
Carrier	Drummond	<i>Logan County</i>		Afton	Peoria
<i>Garvin County</i>		Coyle	Marshall	Commerce	Picher
Elmore City	Pauls Valley	Crescent	Meridian	Fairland	Quapaw
Erin Springs	Stratford	Guthrie	Mulhall	North Miami	Wyandotte
Maysville		Langston	Orlando		
<i>Grady County</i>		<i>Love County</i>		<i>Pawnee County</i>	
Alex	East Ninnekah	Leon	Thackerville	Blackburn	Ralston
Bradley	Norge	Marietta		Hallett	Skedee
Chickasha	Rush Springs			Jennings	Terlton
<i>Grant County</i>		<i>McClain County</i>		<i>Payne County</i>	
Lamont	Nash	Byars	Purcell	Glencoe	Ripley
Manchester	Pond Creek	Cole	Rosedale		
<i>Greer County</i>		Dibble	Washington	<i>Pittsburg County</i>	
Granite	Willow	<i>McCurtain County</i>		Alderson	Indianola
Mangum		Broken Bow	Millerton	Ashland	Kiowa
<i>Harmon County</i>		Garvin	Smithville	Canadian	Pittsburg
Gould	Hollis	Harris	Valliant	Crowder	Quinton
<i>Harper County</i>		Haworth	Wright City	Haileyville	Savanna
May		Idabel		Hartshorne	
<i>Haskell County</i>		<i>McIntosh County</i>		<i>Pontotoc County</i>	
Keota	Stigler	Checotah	Hitchita	Ada	Roff
Kinta	Tamaha	Eufaula	Stidham	Francis	Stonewall
McCurtain	Whitefield	Hanna		<i>Pottawatomie County</i>	
<i>Hughes County</i>		<i>Major County</i>		Asher	St. Louis
Calvin	Lamar	Cleo		Brooksville	Shawnee
Dustin	Wetumka			Earlsboro	Tribbey
Holdenville		<i>Marshall County</i>		Johnson	Wanette
		Kingston	Oakland	Maud	
		Madill	Woodville		
				Albion	Clayton
				Antlers	Rattan

<i>Roger Mills County</i>		<i>Jackson County</i>		<i>Armstrong County</i>	
Hammon	Reydon	Gold Hill	Talent	Apollo	North Apollo
<i>Rogers County</i>		<i>Jefferson County</i>		Atwood	Perry Township
Chelsea	Oolagah	Culver	Metolius	Boggs Township	Pine Township
Foyil				Bradys Bend Township	Rayburn Township
<i>Seminole County</i>		<i>Klamath County</i>		Burrell Township	Redbank Township
Konawa	Seminole	Chiloquin	Merrill	Dayton	Valley Township
Lima	Wewoka			Ford City	Wayne Township
Sasakwa				Manor Township	Worthington
<i>Sequoyah County</i>		<i>Lane County</i>		<i>Beaver County</i>	
Gans	Muldrow	Lowell		Beaver Falls	Glasgow
Gore	Sallisaw	<i>Linn County</i>		Eastvale	Hanover Township
Marble City	Vian	Brownsville	Sweet Home	Fallston	Midland
Moffett		Sodaville		Frankfort Springs	Patterson Heights
				Freedom	
<i>Stephens County</i>		<i>Malheur County</i>		<i>Bedford County</i>	
Comanche	Marlow	Nyssa	Vale	Bloomfield Township	Lincoln Township
Loco				Broad Top Township	Londonderry Township
<i>Texas County</i>		<i>Marion County</i>		Coaldale	Mann Township
Texhoma		Aurora	Jefferson	Colerain Township	Manns Choice
		Gates	Scott Mills	East Providence	Monroe Township
		Gervais	Woodburn	Township	Napier Township
<i>Tillman County</i>		<i>Morrow County</i>		East St. Clair Township	Pleasantville
Davidson	Holliater	Ione	Irrigon	Everett	St. Clairsville
Frederick	Manitou			Harrison Township	Saxton
Grandfield	Tipton			Hopewell	Schellsburg
<i>Tulsa County</i>		<i>Polk County</i>		Hopewell Township	Southampton Township
Glenpool		Falls City		Juniata Township	Woodbury Township
				Kimmel Township	
<i>Wagoner County</i>		<i>Tillamook County</i>		<i>Berks County</i>	
Coweta	Tulahassee	Rockaway		District Township	Reading
Redbird	Wagoner			Hamburg	Upper Tulpehocken
<i>Washington County</i>		Echo	Weston	Lyons	Township
Ochelata	Ramona	Stanfield		Pike Township	
<i>Washita County</i>		<i>Union County</i>		<i>Blair County</i>	
Canute	Foss	Imbler	Union	Greenfield Township	Tyrone
Dill City		North Powder		Huston Township	Williamsburg
<i>Woods County</i>				Juniata Township	Woodbury Township
Dacoma	Freedom			Newry	
<i>Woodward County</i>		<i>Walla County</i>		<i>Bradford County</i>	
Mutual	Sharon	Joseph	Lostine	Armenia Township	Rome
Quinlan				Athens Township	Rome Township
<i>State of Oregon</i>		<i>Wasco County</i>		Burlington Township	Sayre
<i>Baker County</i>		Maupin		Canton	Smithfield Township
Haines	Halfway			Franklin Township	South Creek Township
<i>Clackamas County</i>		<i>Washington County</i>		Granville Township	Springfield Township
Molalla		Banks	North Plains	Herrick Township	Standing Stone
		Gaston		Le Raysville	Township
<i>Clatsop County</i>				Leroy Township	Stevens Township
Hammond		<i>Wheeler County</i>		Litchfield Township	Sylvania
		Fossil	Mitchell	Monroe	Terry Township
<i>Columbia County</i>		<i>Yamhill County</i>		Monroe Township	Towanda
Prescott	Vernonia	Amity	Yamhill	New Albany	Troy Township
		Dayton		Orwell Township	Tuscarora Township
<i>Coos County</i>		<i>State of Pennsylvania</i>		Overton Township	West Burlington
Powers		<i>Adams County</i>		Pike Township	Township
		Bendersville	Littlestown	Ridgebury Township	Wilmot Township
<i>Curry County</i>		Bonneauville	McSherrystown	<i>Bucks County</i>	
Port Orford		Conewago Township	Menallen Township	Bristol	Langhorne
		Hamilton Township	Oxford Township	Hulmeville	Tinicum Township
<i>Douglas County</i>		Hamiltonban Township	Straban Township	<i>Butler County</i>	
Yoncalla		<i>Allegheny County</i>		Cherry Township	Jackson Township
		Braddock	Rankin	Cherry Valley	Muddy Creek Township
<i>Gilliam County</i>		Clairton	Sharpsburg	Connoquenessing	Oakland Township
Lonerock		Dravosburg	South Versailles	Donegal Township	Venango Township
		Duquesne	Township	Eau Claire	West Liberty
<i>Grant County</i>		Edgeworth	Stowe Township	<i>Cambria County</i>	
		Glenfield	Tarentum	Ashville	Johnstown
		Homestead	West Deer Township	Blacklick Township	Lilly
		McKeesport	West Elizabeth	Cassandra	Loretto
		McKees Rocks	Whitaker	Chest Township	Portage
Long Creek	Monument	Pittsburgh		Chest Springs	Reade Township
				Croyle Township	Summerhill Township
				Dean Township	Susquehanna Township
				Ehrenfeld	White Township
				Elder Township	Wilmore
				Gallitzin Township	

Cameron County

Lumber Township

Carbon County

Banks Township
Franklin Township
Lower Towamensing
Township

Summit Hill
Towamensing Township
Weissport

Centre County

Curtin Township
Haines Township
Marion Township
Miles Township

Penn Township
Philipsburg
State College
Unionville

Chester County

Coatesville
Modena
New Garden Township
Parkesburg
South Coatesville
Upper Oxford Township
Upper Uwchlan
Township

West Nottingham
Township
West Sadsbury
Township
West Vincent Township

Clarion County

Ashland Township
Callensburg
Foxburg
Hawthorne
Highland Township
Knox
Licking Township
Limestone Township

Madison Township
Perry Township
Piney Township
Richland Township
Shipperville
Strattanville
Toby Township
Washington Township

Clearfield County

Bell Township
Bigler Township
Bloom Township
Bradford Township
Burnside
Burnside Township
Chest Township
Chester Hill
Covington Township
Ferguson Township
Girard Township
Goshen Township
Culich Township

Houtzdale
Irvona
Jordan Township
Karthaus Township
Lumber City
Mahaffey
Newburg
Osceola Mills
Penn Township
Ramey
Wallaceton
Westover

Clinton County

Beech Creek Township
Castanea Township
Colebrook Township
Gallagher Township
Greene Township
Leidy Township

Lock Haven
Porter Township
Renovo
Wayne Township
West Keating Township

Columbia County

Beaver Township
Benton
Benton Township
Bloomsburg
Briar Creek Township
Catawissa Township
Fishing Creek Township
Franklin Township

Greenwood Township
Jackson Township
Locust Township
Madison Township
Mount Pleasant
Township
Pine Township

Crawford County

Athens Township
Beaver Township
Bloomfield Township
Cambridge Springs
Centerville
Conneaut Township
Cussewago Township
East Fallowfield
Township
Greenwood Township
Linesville
North Shenango
Township

Pine Township
Rockdale Township
Rome Township
South Shenango
Township
Sparta Township
Spartansburg
Spring Township
Steuben Township
Titusville
Troy Township
Venango Township

Cumberland County

Cooke Township
Lower Frankford
Township

South Newton Township
West Fairview

Dauphin County

Berrysburg
East Hanover Township
Harrisburg

Lykens Township
Royalton
Wiconisco Township

Delaware County

Chester
Colwyn
Darby
Lower Chichester
Township

Marcus Hook
Millbourne
Tinicum Township
Trainer
Upland

Elk County

Benezette Township
Highland Township

Johnsonburg

Erie County

Concord Township
Elk Creek Township
Erie
Greenfield Township
Le Boeuf Township

North East
Platea
Springfield Township
Union City
Wattsburg

Fayette County

Brownsville
Brownsville Township
Connellsville
Connellsville Township
Dawson
Dunbar
Dunbar Township
Everson
Fairchance
Fayette City
Franklin Township
Georges Township
German Township
Henry Clay Township
Jefferson Township
Luzerne Township

Markleysburg
Masontown
Menallen Township
Nicholson Township
Ohiopyle
Perry Township
Redstone Township
Saltlick Township
Smithfield
South Connellsville
Springfield Township
Springhill Township
Stewart Township
Uniontown
Upper Tyrone Township

Forest County

Barnett Township
Hickory Township
Kingsley Township

Tionesta
Tionesta Township

Franklin County

Fannett Township

Warren Township

Fulton County

Ayr Township
Belfast Township
Bethel Township
Brush Creek Township
Licking Creek Township

Taylor Township
Thompson Township
Todd Township
Union Township
Wells Township

Greene County

Aleppo Township
Dunkard Township
Freeport Township
Gilmore Township
Gray Township
Jackson Township
Jefferson
Monongahela Township

Morris Township
Perry Township
Richhill Township
Springhill Township
Washington Township
Wayne Township
Whiteley Township

Huntingdon County

Alexandria
Brady Township
Broad Top City
Carbon Township
Cassville
Clay Township
Coalmont
Cromwell Township
Dublin Township
Dudley

Franklin Township
Hopewell Township
Mapleton
Marklesburg
Mill Creek
Morris Township
Petersburg
Saltillo
Shade Gap
Shirley Township

Shirleyburg
Tell Township
Three Springs

Tod Township
Union Township
Wood Township

Indiana County

Banks Township
Black Lick Township
Canoe Township
Conemaugh Township
East Wheatfield
Township
Ernest
Glen Campbell
Grant Township
Green Township

Indiana
Marion Center
Montgomery Township
Pine Township
Plumville
Saltsburg
Washington Township
West Mahoning
Township

Jefferson County

Barnett Township
Clover Township -
Gaskill Township
Henderson Township
McCalmont Township
Perry Township

Polk Township
Porter Township
Summersville
Sykesville
Timblin
Washington Township

Juniata County

Beale Township
Delaware Township
Greenwood Township
Lack Township
Port Royal

Spruce Hill Township
Susquehanna Township
Turbett Township
Tuscarora Township
Walker Township

Lackawanna County

Archbald
Elmhurst Township
Jefferson Township
La Plume Township

Lehigh Township
Madison Township
Throop
Vandling

Lancaster County

Brecknock Township
Colerain Township
Earl Township
East Cocalico Township
Eden Township
Lancaster
Leacock Township

Lititz
Sadsbury Township
Salisbury Township
Strasburg Township
Terre Hill
Warwick Township
West Earl Township

Lawrence County

Enon Valley
Hickory Township
New Beaver
New Castle
New Wilmington
Plain Grove Township

South New Castle
Volant
Wampum
Washington Township
Wilmington Township

Lebanon County

Millcreek Township

North Londonderry TWP

Luzerne County

Avoca
Butler Township
Courtdale
Dorrance Township
Fairmont Township
Lake Township
Larksville

Nescopeck Township
Pittston
Plymouth
Rice Township
Ross Township
Union Township

Lycoming County

Anthony Township
Bastress Township
Brady Township
Brown Township
Casade Township
Clinton Township
Cogan House Township
Cummings Township
Jordan Township
Lewis Township
Limestone Township
McHenry Township

McIntyre Township
McNett Township
Montgomery
Muncy Township
Penn Township
Piatt Township
Pine Township
Plunketts Creek
Township
Porter Township
Williamsport

McKean County

Annin Township
Bradford
Liberty Township

Mount Jewett
Norwich Township

Mercer County

Deer Creek Township
 Delaware Township
 Farrell
 Greene Township
 Mill Creek Township
 New Lebanon

Salem Township
 Sheakleyville
 Springfield Township
 West Middlesex
 Wilmington Township
 Wolf Creek Township

Mifflin County

Armagh Township
 Bratton Township
 Kistler
 Lewistown

Menno Township
 Newton Hamilton
 Oliver Township
 Wayne Township

Montgomery County

Green Lane
 Telford

Upper Salford Township

Montour County

Anthony Township
 Liberty Township

Limestone Township
 West Hemlock Township

Northampton County

East Bangor
 Easton

North Catasauqua

Northumberland County

Delaware Township
 East Cameron Township
 Jordan Township
 Lewis Township
 Lower Mahanoy Township

Mount Carmel Township
 Shamokin
 Snyderstown
 Sunbury
 West Cameron Township

Perry County

Blain
 Centre Township
 Jackson Township
 Landisburg
 Liverpool Township
 Miller Township

Northeast Madison TWP
 Saville Township
 Wouthwest Madison Townsh
 Toboyne Township

Philadelphia County

Philadelphia

Pike County

Milford

Potter County

Allegheny Township
 Bingham Township
 Galetton
 Harrison Township
 Hebron Township
 Hector Township
 Homer Township
 Keating Township
 Oswayo
 Oswayo Township

Pike Township
 Roulette Township
 Sharon Township
 Shinglehouse
 Summit Township
 Sylvania Township
 Ulysses
 West Branch Township
 Wharton Township

Schuylkill County

Ashland
 Auburn
 Branch Township
 Butler Township
 Eldred Township
 Foster Township
 Gilberton
 Gordon
 Hegins Township
 Hubley Township
 Middleport
 Mount Carbon
 New Ringgold

North Union Township
 Port Clinton
 Pottsville
 Reilly Township
 Shenandoah
 South Manheim Township
 Tremont
 Tremont Township
 Union Township
 Upper Mahantonga Township
 Wayne Township

Snyder County

Adams Township
 Beaver Township
 Center Township
 Chapman Township
 Jackson Township

McClure
 Middlecreek Township
 Spring Township
 Union Township
 Washington Township

Somerset County

Addison
 Addison Township
 Allegheny Township
 Benson
 Black Township
 Boswell
 Casselman
 Elk Lick Township
 Fairhope Township
 Greenville Township
 Larimer Township
 Lincoln Township

Meyersdale
 Middlecreek Township
 Northampton Township
 Shade Township
 Shanksville
 Somerset Township
 Southampton Township
 Stonycreek Township
 Summit Township
 Ursina
 Wellersburg

Sullivan County

Davidson Township
 Forks Township

Forks
 Shrewsbury Township

Susquehanna County

Apolacon Township
 Ararat Township
 Auburn Township
 Brooklyn Township
 Forest Lake Township
 Franklin Township
 Harford Township
 Harmony Township
 Hop Bottom

Jessup Township
 Lathrop Township
 Lenox Township
 Middletown Township
 Oakland Township
 Rush Township
 Springville Township
 Thompson Township

Tioga County

Bloss Township
 Brookfield Township
 Chatham Township
 Clymer Township
 Duncan Township
 Elk Township
 Elkland
 Elkland Township
 Farmington Township
 Gaines Township
 Hamilton Township
 Jackson Township
 Lawrence Township
 Liberty Township

Mansfield
 Middlebury Township
 Morris Township
 Osceola Township
 Putnam Township
 Richmond Township
 Roseville
 Rutland Township
 Shippen Township
 Sullivan Township
 Tioga
 Union Township
 Westfield
 Westfield Township

Union County

Hartley Township
 Lewis Township

Limestone Township
 White Deer Township

Venango County

Allegheny Township
 Barkeyville
 Emlenton

Jackson Township
 Pinegrove Township
 Polk

Warren County

Bear Lake
 Clarendon
 Columbus Township
 Deerfield Township

Freehold Township
 Southwest Township
 Sugar Grove Township
 Youngsville

Washington County

Amwell Township
 Bentleyville
 Blaine Township
 Canton Township
 Centreville
 Coal Center
 Cokeburg
 Cross Creek Township
 Deemston
 Donegal Township
 Donora
 East Bethlehem Township
 East Finley Township
 Elco
 Ellsworth

Fallowfield Township
 Finleyville
 Hanover Township
 Independence Township
 Jefferson Township
 Marianna
 North Bethlehem Township
 Roscoe
 Smith Township
 Washington
 West Bethlehem Township
 West Brownsville
 West Finley Township
 West Pike Run Township

Wayne County

Berlin Township
 Bethany
 Damascus Township

Dyberry Township
 Hawley
 Lebanon Township

Manchester Township
 Mount Pleasant Township

Oregon Township
 Scott Township
 Sterling Township

Westmoreland County

Allegheny Township
 Arona
 Bell Township
 Donegal
 East Huntingdon Township

East Vandergrift
 Latrobe
 Suterville
 Upper Burrell Township
 Washington Township

Wyoming County

Clinton Township
 Falls Township
 Lemon Township
 Mehoopany Township
 Meshoppen

Nicholson
 Nicholson Township
 Northmoreland Township
 Windham Township

York County

Fawn Township
 Felton
 Franklintown
 Hallam
 Lower Chanceford Township
 Seven Valleys

Warrington Township
 West Manheim Township
 Winterstown
 Wrightsville
 York
 York Haven

*State of Rhode Island**Newport County*

Newport

Providence County

Central Falls
 Foster Town

Providence
 Woonsocket

*State of South Carolina**Abbeville County*

Abbeville
 Calhoun Falls

Donalds
 Lowndesville

Aiken County

Burnettown
 Perry

Salley
 Wagener

Allendale County

Allendale

Fairfax

Anderson County

Anderson
 Belton
 Honea Path

Iva
 Starr

Bamberg County

Bamberg
 Denmark
 Ehrhardt

Govan
 Olar

Barnwell County

Barnwell
 Blackville
 Elko

Hilda
 Kline
 Snelling

Beaufort County

Bluffton

Berkeley County

Bonneau
 Jamestown

Moncks Corner
 St. Stephen

Calhoun County

Cameron

St. Matthews

Charleston County

Charleston
 Hollywood

Megget
 Ravenel

Cherokee County

Gaffney

<i>Chester County</i>		<i>McCormick County</i>		<i>Cavour Township</i>		<i>Nance Township</i>	
Chester	Great Falls	McCormick	Plum Branch	Clifton Township		Pearl Creek Township	
Fort Lawn	Richburg	Mount Carmel		Custer Township		Richland Township	
<i>Chesterfield County</i>		<i>Marion County</i>		Dearborn Township		Theresa Township	
Cheraw	Mount Croghan	Marion	Sellers	Fairfield Township		Valley Township	
Chesterfield	Pageland	Mullins		Grant Township		Vernon Township	
McBee	Patrick	<i>Marlboro County</i>		Hartland Township		Virgil	
<i>Clarendon County</i>		Bennettsville	McColl	Hitchcock		Wessington Township	
Manning	Summerton	Blenheim	Tatum	Iowa Township		Wessington	
Paxville	Turbeville	Clio		Kellogg Township		Whiteside Township	
<i>Colleton County</i>		<i>Newberry County</i>		Lake Byron Township		Wolsey Township	
Lodge	Williams	Chappells	Prosperity	Liberty Township		Yale	
Walterboro		Newberry	Silverstreet	<i>Bennett County</i>			
<i>Darlington County</i>		Pomaria	Whitmire	Martin			
Darlington	Lamar	<i>Oconee County</i>		<i>Bon Homme County</i>			
Hartsville	Society Hill	Westminster	West Union	Tabor		Tyndall	
<i>Dillon County</i>		<i>Orangeburg County</i>		<i>Brookings County</i>			
Dillon	Latta	Bowman	Neeses	Afton Township		Oak Lake Township	
<i>Dorchester County</i>		Branchville	North	Alton Township		Oakwood Township	
Harleyville	St. George	Cope	Norway	Bangor Township		Parnell Township	
Ridgeville		Elloree	Orangeburg	Bruce		Preston Township	
<i>Edgefield County</i>		Eutawville	Rowesville	Elkton Township		Richland Township	
Edgefield	Johnston	Holly Hill	Vance	Eureka Township		Sterling Township	
<i>Fairfield County</i>		<i>Pickens County</i>		Lake Hendricks		Volga Township	
Winnsboro		Central	Liberty	Township		Winsor Township	
<i>Florence County</i>		Easley	Norris	Laketon Township			
Florence	Pamplico	<i>Richland County</i>		<i>Brown County</i>			
Lake City	Scranton	Eastover		Bath Township		Lansing Township	
Olanda	Timmons ville	Monetta	Saluda	Brainard Township		Liberty Township	
<i>Georgetown County</i>		Ridge Spring	Ward	Cambria Township		Lincoln Township	
Andrews	Georgetown	<i>Spartanburg County</i>		Carlisle Township		North Detroit Township	
<i>Greenville County</i>		Campobello	Pacolet	Claremont		Oneota Township	
City View	Woodside	Central Pacolet	Pacolet Mills	Claremont Township		Ordway Township	
Greer		Chesnee	Spartanburg	Columbia Township		Osceola Township	
<i>Greenwood County</i>		Cowpens	Woodruff	East Hanson Township		Palmyra Township	
Greenwood	Troy	Landrum		East Rondell Township		Portage Township	
Hodges		<i>Sumter County</i>		Franklyn Township		Richland Township	
<i>Hampton County</i>		Mayesville	Sumter	Frederick Township		Savo Township	
Brunson	Hampton	Pinewood		Garden Prairie Township		Shelby Township	
Estill	Luray	<i>Union County</i>		Garland Township		South Detroit Township	
Furman	Varnville	Carlisle	Union	Greenfield Township		West Hanson Township	
Gifford		Jonesville		Groton Township		Westport	
<i>Horry County</i>		<i>Williamsburg County</i>		Hecla Township		Westport Township	
Atlantic Beach	Loris	Greeleyville	Lane	Henry Township		West Rondell Township	
Conway		Kingstree		Highland Township			
<i>Jasper County</i>		<i>York County</i>		<i>Brule County</i>			
Hardeeville	Ridgeland	Clover	McConnells	America Township		Plummer Township	
<i>Kershaw County</i>		Fort Mill	York	Chamberlain Township		Pukwana	
Camden		<i>State of South Dakota</i>		Cleveland Township		Red Lake Township	
<i>Lancaster County</i>		<i>Aurora County</i>		Eagle Township		Richland Township	
Lancaster		Aurora Township	Gales Township	Highland Township		Smith Township	
<i>Laurens County</i>		Belford Township	Lake Township	Kimball		Torrey Lake Township	
Cross Hill	Waterloo	Bristol Township	Plankinton Township	Kimball Township		Union Township	
Laurens		Center Township	Pleasant Lake Township	Lyon Township		Waldo Township	
<i>Lee County</i>		Cooper Township	Stickney	Ola Township		West Point Township	
Bishopville	Lynchburg	Crystal Lake Township	Truro Township	Plainfield Township		Wilbur Township	
<i>Lexington County</i>		Dudley Township	Washington Township	Pleasant Grove		Willow Lake Township	
Batesburg	Leesville	Eureka Township	White Lake	Township			
Gilbert	Swansea	Firesteel Township	White Lake Township	<i>Buffalo County</i>			
		<i>Beadle County</i>		Elvira Township			
		Allen Township	Bonilla Township	<i>Butte County</i>			
		Altoona Township	Broadland	Nisland		Union Township	
		Banner Township	Burr Oak Township	<i>Campbell County</i>			
		Belle Prairie Township	Carlyle Township	Artas		Mound City	
				Herreid		Pollock	
				<i>Charles Mix County</i>			
				Bryan Township		Hamilton Township	
				Carroll Township		Highland Township	
				Choteau Creek Township		Howard Township	
				Dante		Jackson Township	
				Darlington Township		Kennedy Township	
				Forbes Township		Lake Andes	
				Geddes		La Roche Township	
				Goose Lake Township		Lawrence Township	

Lone Tree Township
Moore Township
Plain Center Township
Ravinia
Ree Township

Clark County

Ash Township
Blaine Township
Bradley
Clark
Cottonwood Township
Darlington Township
Day Township
Eden Township
Elrod Township
Fordham Township
Garden City
Garfield Township
Hague Township
Lake Township

Clay County

Bethel Township
Garfield Township
Glenwood Township
Meckling Township
Pleasant Valley
Township

Codington County

Dexter Township
Eden Township
Fuller Township
Germantown Township
Graceland Township
Henry Township
Kampeska Township

Corson County

Custer Township
McIntosh
McLaughlin Township
Mahto Township
Mission Township

Custer County

Buffalo Gap
Hermosa

Davison County

Badger Township
Baker Township
Beulah Township
Blendon Township
Ethan
Lisbon Township

Day County

Andover
Butler
Butler Township
Egeland Township
Grenville
Grenville Township
Highland Township
Homer Township
Independence Township
Kidder Township
Kosciusko Township
Liberty Township
Lynn Township

Deuel County

Altamont
Altamont Township
Blom Township
Brandt
Clear Lake Township
Gary
Glenwood Township
Goodwin
Goodwin Township

Rhoda Township
Rouse Township
Wagner
Wahehe Township
White Swan Township

Lincoln Township
Merton Township
Mount Pleasant
Township
Naples
Pleasant Township
Raymond Township
Richland Township
Rosedale Township
Spring Valley Township
Thorp Township
Warren Township
Washington Township
Willow Lake

Spirit Mound Township
Star Township
Vermillion
Vermillion Township
Wakonda

Kranzburg Township
Leola Township
Phipps Township
Rauville Township
South Shore
Wallace

Morristown
Rolling Green Township
Sherman Township
Wakpala Township

Pringle

Mitchell Township
Mount Vernon Township
Perry Township
Rome Township
Tobin Township
Union Township

Morton Township
Nuttley Township
Oak Gulch Township
Pierpont
Racine Township
Raritan Township
Scotland Township
Valley Township
Waubay
Waubay Township
Webster Township
Wheatland Township
York Township

Grange Township
Havana Township
Herrick Township
Hidewood Township
Lowe Township
Norden Township
Portland Township
Rome Township
Toronto

Dewey County

Isabel
Timber Lake

Douglas County

Clark Township
Delmont
East Choteau Township
Garfield Township
Grandview Township
Holland Township

Edmunds County

Belle Township
Bowdle Township
Bryant Township
East Lake Township
Cleveland Township
Cloyd Valley Township
Cortland Township
Cottonwood Lake
Township
Glen Township
Glover Township
Hillside Township
Hosmer
Hosmer Township

Fall River County

Antelope Township
Ardmore

Faulk County

Arcade Township
Centerville Township
Clark Township
Devoe Township
Ellisville Township
Enterprise Township
Fairview Township
Faulkton
Freedom Township

Grant County

Adams Township
Big Stone Township
Blooming Valley
Township
Georgia Township
Grant Center Township
Kilborn Township
Lura Township
Madison Township

Gregory County

Bonesteel
Burke Township
Carlock Township
Dallas
Dickens Township
Dixon Township
Edens Township
Elliston Township
Fairfax
Fairfax Civil Township
Gregory

Hamlin County

Brantford Township
Bryant
Castlewood
Castlewood Township
Cleveland Township
Dempster Township
Estelline Township

Hand County

Alden Township
Alpha Township
Bates Township
Burdette Township
Campbell Township
Carlton Township

Independence Township
Iowa Township
Joubert Township
Lincoln Township
Valley Township
Washington Township

Hudson Township
Huntley Township
Ipswich Township
Kent Township
Liberty Township
Madison Township
Modena Township
Montpelier Township
Odessa Township
Pembroke Township
Rosette Township
Union Township
Vermont Township

Harmony Township

Lafoon Township
Myron Township
Orient
Orient Township
Pioneer Township
Seneca
Union Township
Wesley Township

Marvin
Mazeppa Township
Osceola Township
Revillo
Stockholm Township
Troy Township
Twin Brooks Township
Vernon Township

Herrick
Jones Township
Landing Creek Township
Lone Star Township
Pleasant Valley
Township
St. Charles Township
Schriever Township
Spring Valley Township
Star Valley Township
Whetstone Township

Florence Township
Garfield Township
Hayti Township
Lake Norden
Norden Township
Opdahl Township

Cedar Township
Como Township
Florence Township
Gilbert Township
Glendale Township
Grand Township

Greenleaf Township
Hiland Township
Holden Township
Howell Township
Hulbert Township
Linn Township
Logan Township
Midland Township
Miller Township
Ohio Township
Ontario Township
Park Township

Hanson County

Beulah Township
Edgerton Township
Fairview Township
Hanson Township
Plano Township

Harding County

Camp Crook

Hughes County

Logan Township

Hutchinson County

Clayton Township
Fair Township
Foster Township
German Township
Grandview Township
Kassel Township
Kaylor Township
Menno
Milltown Township

Jackson County

Belvidere

Jerauld County

Alpena
Alpena Township
Anina Township
Blaine Township
Chery Township
Crow Township
Crow Lake Township

Jones County

Draper
Dunkel Township
Kolls Township
Morgan Township

Kingsbury County

Baker Township
Denver Township
De Smet
Erwin
Hartland Township
Manchester Township

Lake County

Badus Township
Clarno Township
Concord Township
Farmington Township
Franklin Township
Lake View Township
Le Roy Township
Nunda

Lawrence County

Central City
Lead

Lincoln County

Brooklyn Township
Canton Township
Delaware Township
Eden Township
Fairview Township
Grant Township

Pearl Township
Plato Township
Pleasant Valley
Township
Riverside Township
Rockdale Township
Rose Hill Township
St. Lawrence Township
Spring Hill Township
Wheaton Township
York Township

Pleasant Township
Rosedale Township
Spring Lake Township
Taylor Township
Worthen Township

Oakhollow Township
Pleasant Township
Sharon Township
Starr Township
Susquehanna Township
Tripp
Wittenberg Township
Wolf Creek Township

Dale Township
Franklin Township
Harmony Township
Lane
Logan Township
Media Township
Viola Township

Murdo
Williams Creek
Township

Iroquois
Mathews Township
Oldham
Spirit Lake Township
Spring Lake Township
Whitewood Township

Nunda Township
Ramona
Summit Township
Wayne Township
Wentworth
Wentworth Township
Winfred
Winfred Township

St. Onge Township
Spearfish

Highland Township
La Valley Township
Lincoln Township
Norway Township
Pleasant Township
Worthing

Lyman County

Bailey Township
Butte Township
Earling Township
Iona Township
Lund Township
Morningside Township

McCook County

Benton Township
Bridgewater
Bridgewater Township
Brookfield Township
Canistota Township
Emery Township
Grant Township

McPherson County

Hoffman Township
Long Lake

Marshall County

Buffalo Township
Dayton Township
Dumarc Township
Eden
Fort Township
Hamilton Township
La Belle Township
Lake City
Langford
McKinley Township
Newark Township
Newport Township

Meade County

Lakeside Township
Union Township

Mellette County

Bad Nation Township
Blackpipe Township
Corn Creek Township
Fairview Township
Mosher Township
Norris Township
Riverside Township

Miner County

Beaver Township
Bellevue Township
Canova
Canova Township
Carthage
Carthage Township
Clearwater Township
Clinton Township
Grafton Township

Minnehaha County

Benton Township
Buffalo Township
Burk Township
Clear Lake Township
Edison Township
Garretson
Grand Meadow
Township
Hartford Township
Logan Township

Moody County

Clare Township
Colman Township
Egan
Enterprise Township
Fremont Township

Pennington County

Ash Township
Cedar Butte Township
Huron Township

Owanka Township
Peno Township
Rainy Creek Township

Perkins County

Antelope Township
Bison
Bison Township
Burdick Township
Cash Township
Castle Butte Township
Chance Township
Clark Township
Dewitt Township
Flat Creek Township
Grand River Township
Horse Creek Township

Roberts County

Agency Township
Alto Township
Bossko Township
Bryant Township
Dry Wood Lake
Township
Easter Township
Enterprise Township
Garfield Township
Goodwill Township
Lake Township
Lawrence Township
Lee Township
Lien Township

Sanborn County

Afton Township
Artesian
Benedict Township
Butler Township
Elliot Township
Floyd Township
Jackson Township
Letcher Township

Shannon County

Batesland

Spink County

Antelope Township
Ashton
Belle Plaine Township
Belmont Township
Benton Township
Beotia Township
Buffalo Township
Capitola Township
Clifton Township
Conde
Conde Township
Cornwall Township
Exline Township
Frankfort
Garfield Township
Great Bend Township
Groveland Township

Todd County

Mission

Tripp County

Black Township
Carter Township
Colome Township
Conddn Township
Curlew Township
Dog Ear Township
Elliston Township
Huggins Township
Ideal Township
Irwin Township
King Township
Lake Township
Lamro Township
Lincoln Township
Lone Tree Township
McNeely Township

Scenic Township
Wasta
Wasta Township

Turner County

Centerville
Centerville Township
Daneville Township
Davis
Dolton Township
Germantown Township
Home Township
Hurley
Hurley Township

Union County

Alcester
Big Springs Township
Civil Bend Township
Emmet Township
North Sioux City

Walworth County

Glenham
Java

Yankton County

Gayville Township
Jamesville Township
Marindahl Township
Mayfield Township
Mission Hill

Ziebach County

Dupree

*State of Tennessee**Anderson County*

Lake City

Benton County

Big Sandy

Blount County

Friendsville

Campbell County

Caryville
Jacksboro

Cannon County

Woodbury

Carroll County

Atwood
Hollow Rock

Carter County

Watauga

Cheatham County

Pegram

Chester County

Enville

Claiborne County

New Tazewell

Cocke County

Parrottsville

Crockett County

Alamo
Bells
Friendship

Cumberland County

Crab Orchard

Davidson County

Nashville-Davidson

<i>Decatur County</i>		<i>Houston County</i>		<i>Rhea County</i>	
Decaturville		Erin		Dayton	Graysville
<i>De Kalb County</i>		<i>Jackson County</i>		<i>Robertson County</i>	
Dowelltown	Smithville	Gainesboro		Adams	Orlinda
Liberty		<i>Jefferson County</i>		Cedar Hill	Ridgetop
<i>Dickson County</i>		New Market	White Pine	Cross Plains	Springfield
Vanleer		<i>Johnson County</i>		<i>Scott County</i>	
<i>Dyer County</i>		Mountain City		Huntsville	Oneida
Trimble		<i>Lake County</i>		<i>Sevier County</i>	
<i>Fayette County</i>		Ridgely	Tiptonville	Sevierville	
Gallaway	Piperton	<i>Lauderdale County</i>		<i>Shelby County</i>	
La Grange	Rossville	Gates	Henning	Arlington	Lakeland
Moscow	Somerville	Halls	Ripley	Collierville	Memphis
Oakland	Williston	<i>Lawrence County</i>		<i>Sumner County</i>	
<i>Fentress County</i>		Ethridge	Iron City	Millersville	Mitchellville
Allardt	Jamestown	<i>Lincoln County</i>		<i>Tipton County</i>	
<i>Franklin County</i>		Petersburg		Atoka	Garland
Cowan	Winchester	<i>Loudon County</i>		Burlison	Gilt Edge
Huntland		Greenback	Loudon	Covington	Mason
<i>Gibson County</i>		<i>McMinn County</i>		<i>Union County</i>	
Gibson	Trenton	Englewood	Niota	Luttrell	Maynardville
Humboldt	Yorkville	Etowah		<i>Warren County</i>	
Milan		<i>McNairy County</i>		Centertown	Viola
<i>Giles County</i>		Bethel Springs	Milledgeville	Morrison	
Ardmore	Minor Hill	Finger	Ramer	<i>Washington County</i>	
Elkton	Pulaski	Michie	Stantonville	Jonesboro	
Lynnville		<i>Macon County</i>		<i>Wayne County</i>	
<i>Grainger County</i>		Red Boiling Springs		Clifton	Collinwood
Rutledge		<i>Madison County</i>		<i>Weakley County</i>	
<i>Greene County</i>		Denmark		Greenfield	Sharon
Baileyton	Mosheim	<i>Marion County</i>		<i>White County</i>	
<i>Grundy County</i>		New Hope	Richard City	Doyle	Sparta
Altamont	Monteagle	Powells Crossroads	Whitwell	<i>Williamson County</i>	
Coalmont	Palmer	<i>Marshall County</i>		Fairview	
Gruetli-Laager		Chapel Hill		Mount Juliet	
<i>Hamilton County</i>		<i>Maury County</i>		<i>State of Texas</i>	
Chattanooga		Columbia	Spring Hill	<i>Anderson County</i>	
<i>Hancock County</i>		Mount Pleasant		Frankston	Palestine
Sneedville		<i>Monroe County</i>		<i>Andrews County</i>	
<i>Hardeman County</i>		Tellico Plains	Vonore	Andrews	
Bolivar	Middleton	<i>Morgan County</i>		<i>Angelina County</i>	
Grand Junction	Silerton	Oakdale		Burke	Huntington
Hickory Valley	Toone	<i>Obion County</i>		Diboll	Lufkin
Hornsby	Whiteville	Kenton	Samburg	Fuller Springs	Zavalla
<i>Hardin County</i>		Obion	South Fulton	<i>Aransas County</i>	
Saltillo	Savannah	Rives		Fulton	Rockport
<i>Hawkins County</i>		<i>Overton County</i>		<i>Atascosa County</i>	
Surgoinville		Perry County		Charlotte	Lytle
<i>Haywood County</i>		Linden	Lobelville	Christine	Pleasanton
Brownsville	Stanton	<i>Polk County</i>		Jourdanton	Poteet
<i>Henderson County</i>		Benton	Ducktown	<i>Austin County</i>	
Lexington	Scotts Hill	Copperhill		Bellville	Sealy
Sardis		<i>Putnam County</i>		San Felipe	Wallis
<i>Henry County</i>		Baxter	Monterey	<i>Bailey County</i>	
Henry				Muleshoe	
<i>Hickman County</i>					
Centerville					

<i>Bandera County</i>	<i>Chambers County</i>	<i>De Witt County</i>
Bandera	Anahuac Cove	Cuero Yorktown
<i>Bastrop County</i>	<i>Cherokee County</i>	<i>Dickens County</i>
Bastrop Smithville	Alto Reklaw	Dickens Spur
Elgin	Jacksonville Rusk	<i>Dimmit County</i>
<i>Bee County</i>	New Summerfield Wells	Asherton Carrizo Springs
Beeville	<i>Childress County</i>	Big Wells
<i>Bell County</i>	Childress	<i>Donley County</i>
Belton Nolanville	<i>Clay County</i>	Hedley Howardwick
Killeen	Bellevue Dean	<i>Duval County</i>
<i>Bexar County</i>	Byers Jolly	Benavides San Diego
Elmendorf Selma	<i>Cochran County</i>	Freer
Grey Forest Somerset	Morton Whiteface	<i>Eastland County</i>
San Antonio	<i>Coleman County</i>	Carbon Rising Star
<i>Blanco County</i>	Coleman Santa Anna	Gorman
Johnson City	Novice	<i>Ector County</i>
<i>Bosque County</i>	<i>Collin County</i>	Goldsmith
Cransfills Gap Morgan	Anna Lowery Crossing	<i>Edwards County</i>
Iredell	Blue Ridge McKinney	Rocksprings
<i>Bowie County</i>	Celina Melissa	<i>Ellis County</i>
De Kalb	Farmersville Westminister	Bardwell Maypearl
<i>Brazoria County</i>	<i>Collingsworth County</i>	Ferris Midlothian
Brazoria Clute City	Dodson Wellington	Garrett Milford
<i>Brewster County</i>	<i>Colorado County</i>	Italy Waxahachie
Alpine	Columbus Weimar	<i>El Paso County</i>
<i>Briscoe County</i>	Eagle Lake	Anthony El Paso
Quitaque Silverton	<i>Comanche County</i>	Clint
<i>Brooks County</i>	Comanche Gustine	<i>Falls County</i>
Falfurrias	De Leon	Lott Rosebud
<i>Brown County</i>	<i>Concho County</i>	Marlin
Blanket	Eden Paint Rock	<i>Fannin County</i>
<i>Burleson County</i>	<i>Cooke County</i>	Ector Leonard
Caldwell Somerville	Valley View	Honey Grove Trenton
<i>Burnet County</i>	<i>Coryell County</i>	Landonia Windom
Bertram	Evant Oglesby	<i>Fayette County</i>
<i>Caldwell County</i>	Gatesville	Fayetteville Round Top
Lockhart Luling	<i>Cottle County</i>	Flatonia Schulenburg
<i>Calhoun County</i>	Paducah	<i>Fisher County</i>
Port Lavaca Seadrift	<i>Crosby County</i>	Roby Rotan
<i>Callahan County</i>	Crosbyton Ralls	<i>Floyd County</i>
Cross Plains Putnam	Lorenzo	Floydada Lockney
<i>Cameron County</i>	<i>Culberson County</i>	<i>Foard County</i>
Bayview Los Fresnos	Van Horn	Crowell
Brownsville Port Isabel	<i>Dallas County</i>	<i>Fort Bend County</i>
Combes Primera	Cockrell Hill Wilmer	Arcola Kendleton
Harlingen Rio Hondo	Sunnyvale	Beasley Richmond
Indian Lake San Benito	<i>Dawson County</i>	Fulshear Thompsons
La Feria Santa Rosa	Ackerly Lamesa	<i>Freestone County</i>
<i>Camp County</i>	<i>Deaf Smith County</i>	Kirvin Streetman
Rocky Mound	Hereford	<i>Frio County</i>
<i>Cass County</i>	<i>Delta County</i>	Dilley Pearsall
Avinger Douglasville	Cooper Pecan Gap	<i>Gaines County</i>
Bloomburg Queen City	<i>Denton County</i>	Seagraves Seminole
Domino	Aubrey Northlake	<i>Goliad County</i>
<i>Castro County</i>	Hickory Creek	Goliad
Dimmitt		
Hart		

<i>Gonzales County</i>		<i>Hockley County</i>		<i>Knox County</i>	
Gonzales	Smiley	Anton	Ropesville	Goree	Munday
Nixon	Waelder	Levelland	Sundown	Knox City	
<i>Gray County</i>		<i>Hopkins County</i>		<i>Lamar County</i>	
McLean		Como	Tira	Deport	Roxton
<i>Grayson County</i>		<i>Houston County</i>		Paris	Toco
Collinsville	Tioga	Crockett	Kennard	<i>Lamb County</i>	
Southmayd	Whitewright	Grapeland		Amherst	Olton
<i>Gregg County</i>		<i>Howard County</i>		Earth	Springlake
Easton	Gladewater	Big Spring	Coahoma	Littlefield	
<i>Grimes County</i>		<i>Hudspeth County</i>		<i>Lampasas County</i>	
Navasota		Dell City		Lampasas	Lometa
<i>Guadalupe County</i>		<i>Hunt County</i>		<i>La Salle County</i>	
Marion	Seguin	Caddo Mills	Neylandville	Cotulla	Encinal
New Berlin		Campbell	West Tawakoni	<i>Lavaca County</i>	
<i>Hale County</i>		Celeste	Wolfe City	Moulton	Yoakum
Abernathy	Petersburg	Lone Oak		Shiner	
Edmonson	Plainview	<i>Jack County</i>		<i>Lee County</i>	
Hale Center		Bryson		Giddings	Lexington
<i>Hall County</i>		<i>Jackson County</i>		<i>Leon County</i>	
Estelline	Memphis	Edna	La Ward	Buffalo	Marquez
Lakeview		Ganado		Jewett	Normangee
<i>Hamilton County</i>		<i>Jasper County</i>		Leona	Oakwood
Hico		Browndell	Jasper	<i>Liberty County</i>	
<i>Hardeman County</i>		<i>Jeff Davis County</i>		Ames	Kenefick
Chillicothe		Valentine		Cleveland	North Cleveland
<i>Hardin County</i>		<i>Jefferson County</i>		Devers	
Kountze	Silsbee	Nome	Port Arthur	<i>Limestone County</i>	
<i>Harris County</i>		<i>Jim Wells County</i>		Coolidge	Mexia
Morgan's Point	South Houston	Alice	Premont	Groesbeck	Tehuacana
<i>Harrison County</i>		Orange Grove		Kosse	Thornton
Marshall	Scottsville	<i>Johnson County</i>		<i>Lipscomb County</i>	
Nesbitt		Alvarado	Rio Vista	Booker	
<i>Haskell County</i>		Grandview	Venus	<i>Live Oak County</i>	
Haskell	Rule	<i>Jones County</i>		George West	Three Rivers
O'Brien	Weinert	Hamlin	Lueders	<i>Llano County</i>	
Rochester		Hawley	Stamford	Llano	
<i>Hays County</i>		<i>Karnes County</i>		<i>Lubbock County</i>	
Buda	San Marcos	Falls City	Kenedy	New Deal	Wolfforth
Kyle		Karnes City	Runge	Slaton	
<i>Henderson County</i>		<i>Kaufman County</i>		<i>Lynn County</i>	
Athens	Moore Station	Kaufman	Mabank	New Home	Wilson
Chandler	Murchison	Kemp	Oak Ridge	O'Donnell	
Coffee City	Poynor	<i>Kendall County</i>		<i>McCulloch County</i>	
Eustace	Tool	Boerne		Brady	
Malakoff	Trinidad	<i>Kent County</i>		<i>McLennan County</i>	
<i>Hidalgo County</i>		<i>Kerr County</i>		Crawford	McGregor
Alamo	McAllen	Ingram		Hallsburg	Mart
Alton	Mercedes	<i>Kimble County</i>		Lorena	Moody
Donna	Mission	Junction		<i>Madison County</i>	
Edcouch	Palmview	<i>Kinney County</i>		Madisonville	
Edinburg	Pharr	Brackettville	Spofford	Jefferson	
Elsa	Progreso Lakes	<i>Kleberg County</i>		<i>Marion County</i>	
Hidalgo	San Juan			<i>Martin County</i>	
La Joya	Weslaco			<i>Mason County</i>	
La Villa					
<i>Hill County</i>					
Abbott	Itasca				
Aquilla	Malone				
Blum	Mertens				
Bynum	Mount Calm				
Covington	Penelope				
Hubbard	Whitney				

<i>Matagorda County</i>		<i>Presidio County</i>		<i>Stonewall County</i>	
Bay City		Marfa	Presidio	Aspermont	
<i>Maverick County</i>		<i>Rains County</i>		<i>Sutton County</i>	
Eagle Pass		Emory	Point	Sonora	
<i>Medina County</i>		<i>Reagan County</i>		<i>Swisher County</i>	
Devine	La Coste	Big Lake		Kress	Tulia
Hondo	Natalie	<i>Real County</i>		<i>Tarrant County</i>	
<i>Menard County</i>		Camp Wood	Leakey	Blue Mound	Haslet
Menard		<i>Red River County</i>		Briar	Sansom Park Village
<i>Milam County</i>		Annona	Clarksville	<i>Taylor County</i>	
Buckholts	Milano	Avery	Detroit	Tye	
Cameron	Thornedale	Bogata		<i>Terry County</i>	
<i>Mills County</i>		<i>Reeves County</i>		Brownfield	Wellman
Goldthwaite	Mullin	Balmorhea	Toyah	Meadow	
<i>Mitchell County</i>		<i>Refugio County</i>		<i>Throckmorton County</i>	
Colorado City	Westbrook	Austwell	Woodsboro	Woodson	
Loraine		Refugio		<i>Titus County</i>	
<i>Montgomery County</i>		<i>Robertson County</i>		Talco	
Cut and Shoot	Spondora	Bremond	Franklin	<i>Travis County</i>	
Magnolia	Willis	Calvert	Hearne	Manor	Pflugerville
Montgomery		<i>Rockwall County</i>		<i>Trinity County</i>	
<i>Moore County</i>		Fate	Royse City	Groveton	Trinity
Cactus	Sunray	<i>Runnels County</i>		<i>Tyler County</i>	
<i>Morris County</i>		Ballinger	Winters	Chester	Colmesneil
Naples		Miles		<i>Upshur County</i>	
<i>Motley County</i>		<i>Rusk County</i>		Big Sandy	West Mountain
Matador	Roarding Springs	Henderson	Tatum	<i>Upton County</i>	
<i>Nacogdoches County</i>		New London		McCamey	Rankin
Chireno	Garrison	<i>Sabine County</i>		<i>Uvalde County</i>	
Cushing		Hemphill	Pineland	Sabinal	Uvalde
<i>Navarro County</i>		<i>San Augustine County</i>		<i>Val Verde County</i>	
Blooming Grove	Frost	San Augustine		Del Rio	
Corsicana	Goodlow	<i>San Jacinto County</i>		<i>Van Zandt County</i>	
Dawson	Powell	Oakhurst	Shepherd	Fruit Vale	Wills Point
Emhouse	Rice	<i>San Patricio County</i>		Grand Saline	
<i>Nolan County</i>		Aransas Pass	Odem	<i>Victoria County</i>	
Roscoe	Sweetwater	Gregory	Sinton	Victoria	
<i>Nueces County</i>		Lake City	Taft	<i>Walker County</i>	
Agua Dulce	Driscoll	Mathis		New Waverly	Riverside
Bishop	Robstown	<i>San Saba County</i>		<i>Waller County</i>	
Corpus Christi		Richland Springs	San Saba	Brookshire	Pattison
<i>Orange County</i>		<i>Schleicher County</i>		Hempstead	Waller
Rose City		Eldorado		<i>Ward County</i>	
<i>Palo Pinto County</i>		<i>Shackelford County</i>		Barstow	Monahans
Gordon	Strawn	Moran		Grandfalls	
<i>Panola County</i>		<i>Shelby County</i>		<i>Washington County</i>	
Beckville	Gary	Center	Timpson	Burton	
<i>Parker County</i>		Tenaha		<i>Webb County</i>	
Reno	Weatherford	<i>Smith County</i>		Laredo	
<i>Parmer County</i>		Arp	Whitehouse	<i>Wharton County</i>	
Bovina	Friona	Lindale		El Campo	
Farwell		<i>Starr County</i>		<i>Wilbarger County</i>	
<i>Pecos County</i>		La Grulla	Roma		
Fort Stockton	Iraan	<i>Sterling County</i>		Vernon	
<i>Polk County</i>		Sterling City			
Corrigan	Seven Oaks				
Goodrich					

Willacy County

Lyford San Perlita
Raymondville

Williamson County

Bartlett Taylor
Granger Thrall
Hutto

Wilson County

Floresville Stockdale
Poth

Winkler County

Wink

Wise County

Alvord Lake Bridgeport
Aurora Fayette
Boyd Newark
Chico Rhome

Wood County

Alba Winnsboro

Yoakum County

Plains

Young County

Newcastle

Zavala County

Crystal City

*State of Utah**Beaver County*

Beaver Minersville

Box Elder County

Deweyville Snowville
Garland Tremonton
Perry Willard
Portage Yost

Cache County

Lewiston Providence
Millville Richmond
Newton

Carbon County

Helper

Davis County

Farmington West Point

Duchesne County

Myton

Emery County

Castle Dale Elmo
Clawson Emery
Cleveland Green River

Garfield County

Antimony Panguitch
Hatch

Iron County

Brian Head Kanarraville
Enoch Parowan

Juab County

Eureka Mona

Kane County

Alton

Millard County

Delta Lynndyl
Fillmore Meadow
Hinckley Oak City
Kanosh Scipio

Piute County

Circleville Kingston

Rich County

Garden City Laketown

Salt Lake County

Alta South Jordan
Bluffdale

Sanpete County

Ephraim Mount Pleasant
Fayette Spring City
Fountain Green Sterling
Manti Wales
Moroni

Sevier County

Aurora Redmond
Glenwood Sigurd
Koosharem

Summit County

Coalville Kamas

Tooele County

Ophir Wendover
Vernon

Uintah County

Ballard

Utah County

Cedar Falls Provo
Genola Santaquin
Goshen Springville
Highland

Wasatch County

Charleston Wallsburg

Washington County

Hildale Santa Clara
Hurricane Toquerville
La Verkin Virgin
Leeds Washington

Wayne County

Bicknell Torrey
Loa

Weber County

Harrisville

*State of Vermont**Addison County*

Bridport Town Orwell town
Bristol Panton Town
Bristol Ripton Town
Hancock Town Waltham Town
Leicester Town Weybridge Town
Lincoln Town Whiting Town

Bennington County

Landgrove Town Sandgate Town
Peru Town

Caledonia County

Barnet Town Sheffield Town
Danville Town Stannard Town
Hardwick Sutton Town
Hardwick Town Waterford Town
Kirby Town Wheelock Town
Newark Town

Chittenden County

Burlington Westford Town
Huntington Town Williston Town
Milton Winooski
Richmond Town

Essex County

Bloomfield Town Lemington Town
Canaan Town Maidstone Town
East Haven Town Norton Town
Granby Town Victory Town
Guildhall Town

Franklin County

Bakersfield Town Montgomery Town
Berkshire Town Richford
Enosburg Falls Richford Town
Enosburg Town St. Albans
Fairfax Town Sheldon Town
Fairfield Town Swanton
Franklin Town Swanton Town
Highgate Town

Grand Isle County

Alburg Alburtown

Lamoille County

Belvidere Town Johnson Town
Cambridge Morristown Town
Eden Town Waterville Town
Elmore Tower Wolcott Town
Hyde Park Town

Orange County

Bradford Topsham Town
Chelsea Town Tunbridge Town
Corinth Town Washington Town
Thetford Town West Fairlee Town

Orleans County

Albany Greensboro Town
Albany Town Holland Town
Barton Irasburg Town
Orleans Lowell Town
Barton Town Morgan Town
Brownington Town Newport
Charleston Town Newport Town
Coventry Town North Troy
Craftsbury Town Troy Town
Derby Center Westfield Town
Derby Town Westmore Town
Glover Town

Rutland County

Benson Town Mount Holly Town
Brandon Town Mount Tabor Town
Danby Town Pawlet Town
Fair Haven Town Sudbury Town
Hubbardtown Town West Haven Town
IRA Town
Middletown Springs Town

Washington County

Cabot Plainfield Town
Cabot Town Roxbury Town
Duxbury Town Warren Town
Marshfield Waterbury
Marshfield Town Worcester

Windham County

Athens Town Rockingham Town
Bridleboro Town Wardsboro Town
Crafton Town North Westminster
Halifax Town Westminster
Jamaica Town Westminster Town
Marlboro Town Jacksonsville
Bellows Falls Whitingham Town

Windsor County

Bethel Town Rochester Town
Ludlow Rayalton Town
Ludlow Town Sharon Town
Pomfret Town

State of Virginia		Page County	Douglas County
Accomack County		Stanley	Mansfield
Accomac	Melfa		Rock Island
Belle Haven	Onancock	Pittsylvania County	Ferry County
Chincoteague	Painter	Chatham	Gretna
Hallwood	Saxis		Prince William County
Keller	Tangier	Occoquan	Quantico
Albemarle County			Rockbridge County
Scottsville		Goshen	
Alleghany County			Rockingham County
Iron Gate		Mount Crawford	
Brunswick County			Russell County
Brodnax	Lawrenceville	Honaker	
Buckingham County			Scott County
Dillwyn		Clinchport	Gate City
Caroline County		Dungannon	Nickelville
Port Royal			Shenandoah County
Charlotte County Charlotte Court House		Edinburg	Mount Jackson
Drakes Branch			Smyth County
Craig County		Saltville	
New Castle			Southampton County
Dickenson County		Boykins	Courtland
Clintwood Haysi		Branchville	Newsoms
Fauquier County		Capron	
The Plains			Surry County
Fluvanna County		Claremont	Dendron
Columbia			Sussex County
Giles County		Stone Creek	Waverly
Glen Lyn Pembroke			Tazewell County
Grayson County		Cedar Bluff	
Fries Troutdale			Washington County
Greene County		Damascus	Glade Spring
Standardsville			Westmoreland County
Halifax County		Colonial Beach	
Clover	Virgilina		Wise County
Scottsburg		Appalachia	Pound
Isle of Wight County			Wythe County
Windsor		Wytheville	
Lee County			York County
Pennington Gap	St. Charles	Bristol	Petersburg
Loudoun County		Clifton Forge	Richmond
Lovettsville	Round Hill	Covington	Roanoke
Lunenburg County		Emporia	South Boston
Kenbridge		Franklin	Suffolk
		Norton	Winchester
Mathews County			State of Washington
Mecklenburg County			Adams County
Chase City	La Crosse	Hatton	
Clarksville	South Hill		Asotin County
Northampton County		Clarkston	
Cape Charles	Exmore		Chelan County
Cheriton	Nassawadox	Entiat	
Nottoway County			Clark County
Blackstone	Burkeville	Ridgefield	
Orange County			Columbia County
Gordonsville	Orange	Starbuck	
			Douglas County
			Mansfield
			Rock Island
			Ferry County
			Republic
			Franklin County
			Connell
			Pasco
			Grant County
			Coulee City
			Royal City
			Hartline
			Soap Lake
			Mattawa
			Warden
			Quincy
			Grays Harbor County
			Montesano
			King County
			Carnation
			Seattle
			Duvall
			Skykomish
			Kittitas County
			South Cle Elum
			Klickitat County
			Bingen
			Lewis County
			Morton
			Vader
			Mossyrock
			Winlock
			Toledo
			Lincoln County
			Harrington
			Okanogan County
			Conconully
			Tonasket
			Nespelem
			Twisp
			Oroville
			Winthrop
			Riverside
			Pacific County
			Long Beach
			Pend Oreille County
			Cusick
			Ione
			Newport
			Pierce County
			Carbonado
			South Prairie
			Roy
			Wilkeson
			Skagit County
			Concrete
			Lyman
			Hamilton
			Sedro Woolley
			Snohomish County
			Darrington
			Index
			Gold Bar
			Sultan
			Granite Falls
			Spokane County
			Latah
			Rockford
			Stevens County
			Springdale
			Thurston County
			Bucoda
			Yelm
			Walla Walla County
			Prescott
			Whatcom County
			Everson

<i>Whitman County</i>		<i>Lincoln County</i>		<i>Summers County</i>	
Colton	Pullman	Hamlin	West Hamlin	Hinton	
Malden	Tekoa				
<i>Yakima County</i>		<i>Logan County</i>		<i>Taylor County</i>	
Grandview	Sunnyside	Man		Flemington	Grafton
Granger	Tieton				
Mabton	Toppenish	<i>McDowell County</i>		<i>Tucker County</i>	
Moxee City	Wapato	Anawalt	Keystone	Davis	Parsons
<i>State of West Virginia</i>		Bradshaw	Kimball	Hambleton	Thomas
<i>Barbour County</i>		Davy	Northfork	Hendricks	
Belington	Philippi	laeger	War		
Junior		<i>Marion County</i>		<i>Tyler County</i>	
<i>Berkeley County</i>		Fairmont	Riversille	Friendly	Sistersville
Hedgesville	Martinsburg	Fairview	Worthington		
<i>Boone County</i>		Farmington		<i>Upshur County</i>	
Danville	Whitesville			Buckhannon	
<i>Braxton County</i>		<i>Marshall County</i>		<i>Wayne County</i>	
Burnsville	Gassaway	Cameron		Ceredo	Kenova
Flatwoods	Sutton			Fort Gay	Wayne
<i>Cabell County</i>		<i>Mason County</i>		<i>Webster County</i>	
Milton		Hartford City	Henderson	Addison	Cowen
<i>Calhoun County</i>		<i>Mercer County</i>		Camden-on-Gauley	
Grantsville		Bramwell	Oakvale		
<i>Clay County</i>		Matoaka		<i>Wetzel County</i>	
Clay		<i>Mineral County</i>		Hundred	Smithfield
<i>Doddridge County</i>		Elk Garden	Ridgeley	Littleton	
West Union		Piedmont			
<i>Fayette County</i>		<i>Mingo County</i>		<i>Wirt County</i>	
Ansted	Smithers	Delbarton	Matewan	Elizabeth	
Meadow Bridge	Thurmond	Gilbert	Williamson		
Mount Hope		Kermit		<i>Wyoming County</i>	
<i>Gilmer County</i>		<i>Monongalia County</i>		Mullens	
Glenville	Layopolis	Blacksville	Osage	<i>State of Wisconsin</i>	
<i>Grant County</i>				<i>Adams County</i>	
Bayard		<i>Monroe County</i>		Colburn Town	Lincoln Town
<i>Greenbrier County</i>		Peterstown	Union	Friendship	Richfield Town
Falling Springs	Rainelle			Jackson Town	Springville Town
Lewisburg	Ronceverte	<i>Morgan County</i>		Leola Town	Strongs Prairie Town
<i>Hampshire County</i>		Paw Paw		<i>Ashland County</i>	
Capon Bridge	Romney	<i>Ohio County</i>		Agenda Town	Peeksville Town
<i>Hancock County</i>		West Liberty		Ashland Town	Sanborn Town
New Cumberland		<i>Pleasants County</i>		La Pointe Town	Shanagolden Town
<i>Hardy County</i>		Belmont		Mellen	White River Town
Moorefield	Wardensville	<i>Pocahontas County</i>		<i>Barron County</i>	
<i>Harrison County</i>		Cass	Marlinton	Almena Town	Dovre Town
Anmoore	Lumberport	Durbin		Arland Town	Doyle Town
Lost Creek	Salem	<i>Preston County</i>		Bear Lake Town	Maple Plain Town
<i>Jackson County</i>		Albright	Reedsville	Cedar Lake Town	Sioux Creek Town
Ripley		Bruceton Mills	Rowlesburg	Chetek Town	Stanfold Town
<i>Jefferson County</i>		Masontown	Tunnelton	Clinton Town	Sumner Town
Charles Town	Sherpherdstown	Newburg		Crystal Lake Town	Turtle Lake Town
Ransen		<i>Putnam County</i>		Dallas Town	Vance Creek Town
<i>Kanawha County</i>		Bancroft	Buffalo	Dallas	
Cedar Grove	Handley	<i>Raleigh County</i>		<i>Bayfield County</i>	
Clendenin		Lester	Sophia	Clover Town	Keystone Town
<i>Lewis County</i>		Rhodell		Delta Town	Lincoln Town
Weston		<i>Randolph County</i>		Drummond Town	Mason Town
		Beverly	Womelsdorff	Eileen Town	Mason
		Mill Creek		Hughes Town	Oulu Town
		<i>Ritchie County</i>		Kelly Town	Tripp Town
		Auburn	Pennsboro	<i>Brown County</i>	
		Cairo	Pullman	Green Bay Town	Morrison Town
		Harrisville		<i>Buffalo County</i>	
		<i>Roane County</i>		Buffalo Town	Modena Town
		Reedy		Canton Town	Mondovi Town
				Cross Town	Montana Town
				Dover Town	Naples Town
				Gilmanston Town	Nelson Town
				Lincoln Town	Nelson
				Maxville Town	

Burnett County

Blaine Town	Sand Lake Town
Daniels Town	Scott Town
Dewey Town	Siren Town
La Follette Town	Siren
Meenon Town	Webb Lake Town
Oakland Town	Webster
Rusk Town	

Calumet County

Brothertown Town	Charlestown Town
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Chippewa County

Arthur Town	Edson Town
Auburn Town	Howard Town
Birch Creek Town	Lake Holcombe Town
Bloomer Town	Sampson Town
Boyd	Sigel Town
Cleveland Town	Stanley
Colburn Town	Tilden Town
Cornell	Woodmohr Town
Delmar Town	

Clark County

Beaver Town	Mentor Town
Butler Town	Neillsville
Colby Town	Reeseburg Town
Dewhurst Town	Seif Town
Fremont Town	Sherman Town
Granton	Thorp Town
Green Grove Town	Unity Town
Hendren Town	Washburn Town
Hixon Town	Weston Town
Hoard Town	Wither Town
Loyal Town	Werden Town
Mayville Town	York Town
Mead Town	

Columbia County

Caledonia Town	Pacific Town
Courtland Town	Scott Town
Fountain Prairie Town	Springvale Town
Lewiston Town	

Crawford County

Bell Center	Haney Town
Bridgeport Town	Marietta Town
Clayton Town	Seneca Town
Eastman Town	Soldiers Grove
Eastman	Steuben
Ferryville	Utica Town
Freeman Town	Wauzeka Town
Gays Mills	

Dane County

Primrose Town

Dodge County

Beaver Dam	Lowell Town
Chester Town	Shields Town
Hubbard Town	Trenton Town
Leroy Town	

Door County

Forestville Town

Douglas County

Brule Town	Highland Town
Dairyland Town	Solon Springs Town
Gordon Town	Wascott Town
Hawthorne Town	

Dunn County

Colfax Town	Lucas Town
Dunn Town	Otter Creek Town
Eau Galle Town	Peru Town
Elk Mound Town	Sheridan Town
Elk Mound	Spring Brook Town
Grant Town	Tiffany Town
Hay River Town	Wheeler
Knapp	

Eau Claire County

Bridge Creek Town	Otter Creek Town
Clear Creek Town	Wilson Town

Florence County

Fence Town	Long Lake Town
Homestead Town	Tippler Town

Fond Du Lac County

Ashford Town	Metomen Town
Calumet Town	Oakfield Town

Forest County

Alvin Town	Hiles Town
Argonne Town	Lincoln Town
Blackwell Town	Nashville Town
Caswell Town	Popple River Town
Crandon	Ross Town
Crandon Town	

Grant County

Beetown Town	Mount Hope Town
Bloomington Town	Mount Ida Town
Bloomington	Muscoda Town
Blue River	North Lancaster Town
Boscobel Town	Paris Town
Castle Rock Town	Patch Grove Town
Clifton Town	Platteville
Harrison Town	Potosi Town
Hazel Green Town	Smelser Town
Hickory Grove Town	Waterloo Town
Liberty Town	Watterstown Town
Little Grant Town	Wingville Town
Marion Town	Woodman Town
Millville Town	Wyalusing Town

Green County

Brooklyn Town	New Glarus Town
Brown Town	Spring Grove Town
Exeter Town	Washington Town
Jordan Town	York Town
Mount Pleasant Town	

Green Lake County

Berlin Town	Marquette Town
Kingston Town	Marquette
Kingston	Princeton
Mackford Town	Seneca Town
Manchester Town	

Iowa County

Arena Town	Linden Town
Avoca	Moscow Town
Barneveld	Pulaski Town
Clyde Town	Rewey
Eden Town	Ridgeway Town
Highland Town	

Iron County

Gurney Town	Oma Town
Hurley	Sherman Town
Montreal	

Jackson County

Adams Town	Irving Town
Albion Town	Knapp Town
Alma Town	Komensky Town
Bear Bluff Town	Manchester Town
Brockway Town	Melrose Town
City Point Town	Merrillan
Cleveland Town	Millston Town
Curran Town	North Bend Town
Franklin Town	Northfield Town
Garden Valley Town	Springfield Town
Garfield Town	

Jefferson County

Aztalan Town	Sumner Town
Ixonia Town	Waterloo Town
Milford Town	

Juneau County

Clearfield Town	Lyndon Station
Cutler Town	Marion Town
Fountain Town	Necedah Town
Germantown Town	Necedah
Hustler	Plymouth Town
Kildare Town	Seven Mile Creek Town
Kingston Town	Summit Town
Lyndon Town	Wonevot Town

La Crosse County

Barre Town	Hamilton Town
Burns Town	Rockland

Lafayette County

Argyle Town	Lamont Town
Belmont Town	Seymour Town
Benton	Shullsburg
Blanchardville	South Wayne
Darlington Town	White Oak Springs
Fayette Town	Town
Gratiot Town	Willow Springs Town
Kendall Town	Wiotat Town

Langlade County

Ackley Town	Polar Town
Ainsworth Town	Rolling Town
Antigo Town	Summit Town
Evergreen Town	Upham Town
Langlade Town	Vilas Town
Parrish Town	White Lake
Peck Town	Wolf River Town

Lincoln County

Harrison Town	Scott Town
Rock Falls Town	Skanawan Town
Russell Town	Somo Town
Schley Town	

Manitowoc County

Centerville Town	Mishicot Town
Eaton Town	Two Creeks Town
Franklin Town	

Marathon County

Bern Town	Guenther Town
Bevent Town	Halsey Town
Brighton Town	Hamburg Town
Cassel Town	Harrison Town
Cleveland Town	Hatley
Day Town	Holton Town
Eau Pleine Town	Hull Town
Elderon Town	McMillan Town
Elderon	Norrie Town
Emmet Town	Plover Town
Frankfort Town	Reid Town
Franzen Town	Reitbrock Town
Green Valley Town	

Marinette County

Amberg Town	Peshtigo
Athelstane Town	Porterfield Town
Beaver Town	Pound Town
Grover Town	Pound
Lake Town	Stephenson Twp
Niagara Town	Wausaukee

Marquette County

Buffalo Town	Moundville Township
Crystal Lake Town	Neshkoro Town
Endeavor	Neshkoro
Harris Town	Newston Town
Mecan Town	Shields Town
Montello	Springfield Town

Menominee County

Menominee Town

Milwaukee County

Milwaukee

Monroe County

Angelo Town
Clifton Town
Glendale Town
Grant Town
Greenfield Town
New Lyme Town
Oakdale Town
Ridgeville Town

Scott Town
Sheldon Town
Tomah Town
Warrens
Wellington Town
Wells Town
Wilton Town

Oconto County

Armstrong Town
Breed Town
Gillett Town
How Town
Lakewood Town
Lena Town

Little River Town
Morgan Town
Oconto Falls Town
Spruce Town
Stiles Town
Underhill Town

Oneida County

Monico Town
Nokomis Town

Outagamie County

Bear Creek
Deer Creek Town
Hortonville

Maine Town
Maple Creek Town
Nichols

Pepin County

Durand Town
Frankfort Town

Lima Town
Waubeck Town

Pierce County

Clifton Town
Elmwood
El Paso Town
Gilman Town
Maiden Rock Town
Oak Grove Town

River Falls
Rock Elm Town
Salem Town
Trimble Town
Union Town

Polk County

Alden Town
Balsam Lake Town
Beaver Town
Clam Falls Town
Farmington Town
Garfield Town
Georgetown Town

Laketown Town
Lorain Town
Luck
Milltown
St. Croix Falls Town
Sterling Town
West Sweden Town

Portage County

Almond Town
Almond
Belmont Town
Lanark Town

Nelsonville
New Hope Town
Pine Grove Town
Rosholt

Price County

Catawba Town
Catawba
Emery Town
Georgetown Town
Hackett Town

Kennan Town
Knox Town
Ogema Town
Prentice Town
Prentice

Richland County

Akan Town
Bloom Town
Cazenovia
Dayton Town
Eagle Town
Forest Town
Henrietta Town

Marshall Town
Orion Town
Richwood Town
Rockbridge Town
Sylvan Town
Willow Town

Rock County

Avon Town
Bradford Town
Harmony Town

Plymouth Town
Spring Valley Town

Rusk County

Atlanta Town
Big Bend Town
Conrath
Grow Town
Hawkins Town
Hawkins

Hubbard Town
Ingram
Ladysmith
Lawrence Town
Marshall Town
Richland Town

Rusk Town
Sheldon
Strickland Town
Stubbs Town
Tony

True Town
Washington Town
Weyerhaeuser
Willard Town
Wilson Town

St. Croix County

Baldwin Town
Cady Town
Cylon Town
Eau Galle Town
Emerald Town

Erin Prairie Town
Glenwood Town
Pleasant Valley Town
Rush River Town
Springfield Town

Sauk County

Bear Creek Town
Dellona Town
Fairfield Town
Honey Creek Town
Reedsburg Town
Rock Springs

Spring Green Town
Troy Town
Washington Town
Westfield Town
Winfield Town
Woodland Town

Sawyer County

Bass Lake Town
Couderay Town
Draper Town
Edgewater Town
Hunter Town
Lenroot Town

Meadow Brook Town
Meteor Town
Ojibwa Town
Sand Lake Town
Spider Lake Town

Shawano County

Almon Town
Aniwa Town
Aniwa
Bartelme Town
Bowler
Fairbanks Town
Germania Town
Grant Town
Green Valley Town

Gresham
Hartland Town
Maple Grove Town
Mattoon
Morris Town
Red Spring Town
Seneca Town
Waukechon Town
Wittenberg Town

Sheboygan County

Herman Town

Taylor County

Aurora Town
Browning Town
Chelsea Town
Ford Town
Gilman
Hammel Town
Holway Town
Jump River Town

Little Black Town
Lublin
McKinley Town
Maplehurst Town
Pershing Town
Roosevelt Town
Taft Town
Westboro Town

Trempealeau County

Albion Town
Arcadia Town
Caledonia Town
Chimney Rock Town
Dodge Town
Pigeon Town

Preston Town
Strum
Sumner Town
Trempealeau Town
Unity Town

Vernon County

Christiana Town
Clinton Town
De Soto
Forest Town
Franklin Town
Greenwood Town
Hamburg Town
Harmony Town
Hillsboro Town
Jefferson Town
Kickapoo Town
La Farge

Liberty Town
Ontario
Readstown
Stark Town
Sterling Town
Stoddard
Union Town
Viroqua Town
Webster Town
Wheatland Town
Whitestown Town

Vilas County

Eagle River
Lac Du Flambeau Town
Land O'Lakes Town

Plum Lake Town
St. Germain Town

Walworth County

Darien Town
Richmond Town

Sharon Town
Whitewater

Washburn County

Barronett Town
Beaver Brook Town
Birchwood Town
Casey Town
Frog Creek Town
Long Lake Town

Minong Town
Sarona Town
Shell Lake
Springbrook Town
Stone Lake Town
Trego Town

Waupaca County

Dupont Town
Harrison Town
Helvetia Town
Larabee Town
Lind Town

Little Wolf Town
Royaltown Town
Scandia Town
Wyoming Town

Waushara County

Aurora Town
Bloomfield Town
Coloma Town
Hancock Town
Leon Town

Marion Town
Plainfield Town
Plainfield
Richford Town
Warren Town

Winnebago County

Nekimi Town
Rushford Town

Wood County

Arpin Town
Auburndale Town
Hiles Town
Lincoln Town
Marshfield Town
Milladore Town

Pittsville
Port Edwards Township
Remington Town
Richfield Town
Rudolph Town

*State of Wyoming**Albany County*

Rock River

Big Horn County

Byron
Deaver

Frannie

Crook County

Hulett

Fremont County

Hudson

Goshen County

Fort Laramie
La Grange

Yoder

Lincoln County

La Barge

Thayne

Park County

Meeteetse

Sheridan County

Clearmont

Commonwealth of Puerto Rico

Adjuntas Municipio
Aguada Municipio
Aguadilla Municipio
Agua Buenas Municipio
Aibonito Municipio
Anasco Municipio
Arecibo Municipio
Arroyo Municipio
Barceloneta Municipio
Barranquitas Municipio
Bayamon Municipio
Cabo Rojo Municipio
Caguas Municipio
Camuy Pueblo
Canovanas Municipio
Carolina Municipio
Catano Municipio
Cayey Municipio
Ciales Municipio

Cidra Municipio
Coama Municipio
Comerio Municipio
Corozal Municipio
Culebra Municipio
Dorado Municipio
Fajardo Municipio
Florida Municipio
Guánica Municipio
Guayama Municipio
Guayanilla Municipio
Guaynabo Municipio
Gurabo Municipio
Hatillo Municipio
Hormigueros Municipio
Humacao Municipio
Isabela Municipio
Jayuya Municipio
Juana Diaz Municipio

Juncos Municipio
Lajas Municipio
Lares Municipio
Las Marias Municipio
Las Piedras Municipio
Loiza Municipio
Luquillo Municipio
Manati Municipio
Maricao Municipio
Maunabo Municipio
Mayaguez Municipio
Moca Municipio
Morovis Municipio
Naguabo Municipio
Naranjito Municipio
Orocovis Municipio
Patillas Municipio
Penuelas Municipio
Ponce Municipio
Quebradillas Municipio

Rincon Municipio
Rio Grande Municipio
Sabana Grande
Municipio
Salinas Municipio
San German Municipio
San Juan Municipio
San Lorenzo Municipio
San Sebastian Municipio
Santa Isabel Municipio
Toa Alta Municipio
Toa Baja Municipio
Trujillo Alto Municipio
Utado Municipio
Vega Alta Municipio
Vega Baja Municipio
Vieques Municipio
Villalba Municipio
Yabucoa Municipio
Yauco Municipio

List of Designated Eligible Areas That Are Counties

State of Alabama

Autauga County
Baldwin County
Barbour County
Bibb County
Blount County
Bullock County
Butler County
Chambers County
Cherokee County
Chilton County
Choctaw County
Clarke County
Clay County
Cleburne County
Coffee County
Conecuh County
Coosa County
Covington County
Crenshaw County
Cullman County
Dallas County
De Kalb County
Elmore County
Escambia County
Etowah County
Fayette County
Franklin County

Geneva County
Greene County
Hale County
Henry County
Houston County
Jackson County
Lamar County
Lawrence County
Lee County
Lowndes County
Macon County
Marengo County
Monroe County
Montgomery County
Perry County
Pickens County
Pike County
Randolph County
Russell County
St. Clair County
Sumter County
Talladega County
Tallapoosa County
Walker County
Washington County
Wilcox County
Winston County

State of Alaska

Aleutian Islands Census
Bethel Census Area
Dillingham Census Area
Kobuk Census Area
Natanuska-Susitna
Borough
Nome Census Area
North Slope Borough
Prince of Wales-Outer
KE

Skagway-Yakutat-
Angoon C
Southeast Fairbanks
Census
Wade Hampton Census
Area
Yukon-koyukuk Census
Area

State of Arizona

Apache County
Coconino County
Gila County
Graham County
La Paz County

Navajo County
Pinal County
Santa Cruz County
Yuma County

State of Arkansas

Arkansas County
Ashley County
Bradley County
Calhoun County
Carroll County
Chicot County
Clark County
Clay County
Cleburne County
Cleveland County
Columbia County

Conway County
Crawford County
Crittenden County
Cross County
Dallas County
Desha County
Franklin County
Fulton County
Greene County
Hot Spring County
Izard County

Jackson County
Jefferson County
Johnson County
Lafayette County
Lawrence County
Lee County
Lincoln County
Little River County
Logan County
Lonoke County
Madison County
Marion County
Miller County
Mississippi County
Monroe County
Montgomery County
Nevada County
Newton County

Ouachita County
Perry County
Phillips County
Pike County
Poinsett County
Polk County
Prairie County
Randolph County
St. Francis County
Scott County
Searcy County
Sevier County
Sharp County
Stone County
Union County
Van Buren County
Woodruff County
Yell County

State of California

Alpine County
Colusa County
Fresno County
Glenn County
Imperial County
Kern County
Kings County

Lake County
Los Angeles County
Madera County
Merced County
San Benito County
San Francisco County
Tulare County

State of Colorado

Alamosa County
Archuleta County
Baca County
Bent County
Conejos County
Costilla County
Crowley County
Custer County
Dolores County
Huerfano County

Kiowa County
Las Animas County
Otero County
Prowers County
Rio Grande County
Saguache County
San Miguel County
Teller County
Washington County
Yuma County

State of Connecticut

None

State of Delaware

None

District of Columbia

Washington, DC-MD-VA MSA

Washington

State of Florida

Baker County
Bradford County
Calhoun County
Columbia County
Dade County
De Soto County
Dixie County
Franklin County
Gadsden County
Gilchrist County
Glades County
Gulf County
Hamilton County
Hardee County
Hendry County
Highlands County
Holmes County
Jackson County

Jefferson County
Lafayette County
Lake County
Levy County
Liberty County
Madison County
Okeechobee County
Putnam County
St. John County
St. Lucie County
Sumter County
Suwannee County
Taylor County
Union County
Wakulla County
Walton County
Washington County

Clay County
Clinch County
Coffee County
Colquitt County
Cook County
Coweta County
Crawford County
Crisp County
Dade County
Dawson County
Decatur County
Dodge County
Dooley County
Dougherty County
Early County
Echols County
Effingham County
Elbert County
Emanuel County
Evans County
Fannin County
Franklin County
Gilmer County
Glascok County
Gordon County
Grady County
Greene County
Habersham County
Hancock County
Harris County
Hart County
Heard County
Henry County
Irwin County
Jackson County
Jasper County
Jeff Davis County
Jefferson County
Jenkins County
Johnson County
Jones County
Lamar County
Lanier County
Laurens County
Lee County
Lincoln County
Lowndes County
Lumpkin County
McDuffie County
McIntosh County
Macon County
Madison County
Marion County
Meriwether County

Miller County
Mitchell County
Monroe County
Montgomery County
Morgan County
Murray County
Newton County
Oglethorpe County
Paulding County
Peach County
Pickens County
Pierce County
Pike County
Polk County
Pulaski County
Putnam County
Quitman County
Randolph County
Richmond County
Schley County
Screven County
Seminole County
Spalding County
Stewart County
Sumter County
Talbot County
Taliaferro County
Tattnall County
Taylor County
Telfair County
Terrell County
Thomas County
Tift County
Toombs County
Towns County
Treutlen County
Troup County
Turner County
Twiggs County
Union County
Upson County
Walton County
Ware County
Warren County
Washington County
Wayne County
Webster County
Wheeler County
White County
Wilcox County
Wilkes County
Wilkinson County
Worth County

State of Hawaii

Hawaii County

State of Idaho

Adams County
Bingham County
Bonner County
Boundary County
Cassia County
Fremont County
Gem County
Jefferson County
Lemhi County

Lincoln County
Madison County
Minidoka County
Oneida County
Payette County
Power County
Teton County
Washington County

State of Illinois

Alexander County
Bond County
Brown County
Cook County
Fayette County
Gallatin County
Greene County
Hamilton County
Hardin County

Johnson County
Massac County
Pike County
Pope County
Pulaski County
St. Clair County
Scott County
Wayne County

State of Indiana

Crawford County
Jennings County
Knox County

Ohio County
Scott County
Switzerland County

State of Iowa

Adair County
Allamakee County
Appanoose County
Clarke County
Clayton County
Davis County
Decatur County
Delaware County
Fremont County

Harrison County
Howard County
Ida County
Lucas County
Monona County
Ringgold County
Taylor County
Van Buren County
Wayne County

State of Kansas

Brown County
Chase County
Chautauqua County
Cherokee County
Clay County
Cloud County
Doniphan County
Elk County
Gove County
Graham County
Jewell County
Linn County

Marshall County
Morris County
Nemaha County
Norton County
Republic County
Sheridan County
Smith County
Stanton County
Wallace County
Washington County
Wilson County

State of Kentucky

Adair County
Allen County
Ballard County
Barren County
Bath County
Bell County
Bourbon County
Boyle County
Bracken County
Breathitt County
Breckinridge County
Butler County
Carlisle County
Carroll County
Carter County
Casey County
Clark County
Clay County
Clinton County
Crittenden County
Cumberland County
Edmonson County
Elliott County
Estill County
Fleming County
Floyd County
Fulton County
Gallatin County
Garrard County
Grayson County
Green County
Greenup County
Hancock County
Harlan County
Harrison County
Hart County
Henry County
Hickman County
Jackson County
Johnson County
Knott County
Knox County
Larue County
Laurel County
Lawrence County
Lee County
Leslie County

Letcher County
Lewis County
Lincoln County
Livingston County
Logan County
Lyon County
McCreary County
McLean County
Madison County
Magoffin County
Marion County
Martin County
Mason County
Menifee County
Mercer County
Metcalfe County
Monroe County
Montgomery County
Morgan County
Muhlenberg County
Nelson County
Nicholas County
Ohio County
Owen County
Owsley County
Pendleton County
Perry County
Pike County
Powell County
Pulaski County
Robertson County
Rockcastle County
Rowan County
Russell County
Scott County
Shelby County
Simpson County
Spencer County
Todd County
Trigg County
Trimble County
Washington County
Wayne County
Webster County
Whitley County
Wolfe County
Woodford County

State of Louisiana

Acadia Parish
Ascension Parish
Assumption Parish
Avoyelles Parish
Bienville Parish
Caddo Parish
Caldwell Parish
Cameron Parish

Catahoula Parish
Claiborne Parish
Concordia Parish
De Soto Parish
East Carroll Parish
East Feliciana Parish
Evangeline Parish
Franklin Parish

Grant Parish
Iberia Parish
Iberville Parish
Jackson Parish
Jefferson Davis Parish
Lafourche Parish
La Salle Parish
Livingston Parish
Madison Parish
Morehouse Parish
Natchitoches Parish
Orleans Parish
Ouachita Parish
Plaquemines Parish
Pointe Coupee Parish
Rapides Parish
Red River Parish
Richland Parish
Sabine Parish
St. Charles Parish

St. Helena Parish
St. James Parish
St. John The-Baptist Parish
St. Landry Parish
St. Martin Parish
St. Mary Parish
Tangipahoa Parish
Tensas Parish
Terrebonne Parish
Union Parish
Vermilion Parish
Washington Parish
Webster Parish
West Baton Rouge Parish
West Carroll Parish
West Feliciana Parish
Winn Parish

State of Maine

Aroostook County
Knox County
Lincoln County
Piscataquis County

Somerset County
Waldo County
Washington County

State of Maryland

Calvert County
Garrett County

Kent County

State of Massachusetts

Suffolk County

State of Michigan

Alcona County
Baraga County
Cheboygan County
Chippewa County
Lake County

Montmorency County
Oceana County
Ogemaw County
Presque Isle County
Wayne County

State of Minnesota

Aitkin County
Becker County
Beltrami County
Big Stone County
Cass County
Clearwater County
Cottonwood County
Crow Wing County
Fillmore County
Jackson County
Lac Qui Parle County
Lake of the Woods County
Lincoln County

Mahnomen County
Marshall County
Morrison County
Murray County
Pine County
Preston County
Pope County
Red Lake County
Swift County
Todd County
Traverse County
Wadena County
Yellow Medicine County

State of Mississippi

Adams County
Alcorn County
Amite County
Attala County
Benton County
Bolivar County
Calhoun County
Carroll County
Chickasaw County
Choctaw County
Claiborne County
Clarke County
Clay County
Coahoma County
Covington County
De Soto County
Forrest County
Franklin County
George County
Greene County
Grenada County
Hancock County
Hinds County
Holmes County

Humphreys County
Issaquena County
Jasper County
Jefferson County
Jefferson Davis County
Jones County
Kemper County
Lauderdale County
Lawrence County
Leake County
Leflore County
Lincoln County
Lowndes County
Madison County
Marion County
Marshall County
Monroe County
Montgomery County
Neshoba County
Newton County
Noxubee County
Oktibbeha County
Panola County
Pearl River County
Perry County

Pike County
Pontotoc County
Prentiss County
Quitman County
Scott County
Sharkey County
Simpson County
Smith County
Stone County
Sunflower County
Tallahatchie County
Tate County

Tippah County
Tunica County
Union County
Walthall County
Warren County
Washington County
Wayne County
Webster County
Wilkinson County
Winston County
Yalobusha County
Yazoo County

State of Missouri

Barry County
Benton County
Bollinger County
Butler County
Caldwell County
Carroll County
Carter County
Cedar County
Chariton County
Clark County
Crawford County
Davies County
De Kalb County
Dent County
Douglas County
Dunklin County
Gentry County
Grundy County
Harrison County
Hickory County
Howell County
Iron County
Knox County
McDonald County
Madison County
Maries County
Mercer County

Mississippi County
Monroe County
Morgan County
New Madrid County
Oregon County
Ozark County
Pemiscot County
Perry County
Pike County
Polk County
Putnam County
Reynolds County
Ripley County
St. Clair County
St. Francois County
Schuyler County
Scotland County
Shannon County
Stone County
Sullivan County
Texas County
Washington County
Wayne County
Webster County
Worth County
Wright County

State of Montana

Big Horn County
Blaine County
Carter County
Fallon County
Fergus County
Garfield County
Glacier County
Golden Valley County
Granite County
Judith Basin County
Lincoln County
McCone County

Meagher County
Musselshell County
Petroleum County
Phillips County
Prairie County
Ravalli County
Roosevelt County
Rosebud County
Stillwater County
Teton County
Treasure County
Wibaux County

State of Nebraska

Antelope County
Arthur County
Banner County
Blaine County
Boone County
Boyd County
Brown County
Cedar County
Chase County
Custer County
Dixon County
Dundy County
Franklin County
Frontier County
Furnas County
Garfield County
Greeley County
Harlan County
Hayes County
Hitchcock County
Holt County
Hooker County

Jefferson County
Johnson County
Keya Paha County
Kimball County
Knox County
Logan County
McPherson County
Morrill County
Nance County
Nemaha County
Pawnee County
Perkins County
Polk County
Richardson County
Sheridan County
Sherman County
Sioux County
Stanton County
Thurston County
Valley County
Webster County
Wheeler County

State of Nevada

Elko County
Eureka County

Pershing County

State of New Hampshire

None

State of New Jersey

Essex County Passaic County
Hudson County

State of New Mexico

Catron County Quay County
Chaves County Rio Arriba County
Cibola County Roosevelt County
Colfax County Sandoval County
De Baca County San Juan County
Dona Ana County San Miguel County
Grant County Sierra County
Guadalupe County Socorro County
Harding County Taos County
Lincoln County Torrance County
Luna County Union County
McKinley County Valencia County
Mora County

State of New York

Allegany County Lewis County
Bronx County New York County
Cattaraugus County Queens County
Delaware County St. Lawrence County
Franklin County Schoharie County
Jefferson County Tompkins County
Kings County Yates County

State of North Carolina

Alleghany County Johnston County
Anson County Jones County
Ashe County Lenoir County
Avery County Madison County
Beaufort County Martin County
Bertie County Mitchell County
Bladen County Montgomery County
Camden County Nash County
Caswell County Northampton County
Cherokee County Pamlico County
Chowan County Pender County
Clay County Perquimans County
Cleveland County Person County
Columbus County Pitt County
Currituck County Richmond County
Duplin County Robeson County
Edgecombe County Rockingham County
Franklin County Rutherford County
Gates County Sampson County
Graham County Scotland County
Granville County Stokes County
Greene County Swain County
Halifax County Tyrrell County
Harnett County Vance County
Haywood County Warren County
Hertford County Washington County
Hoke County Wilson County
Hyde County Yancey County

State of North Dakota

Adams County McHenry County
Benson County McIntosh County
Billings County Mountrail County
Burke County Oliver County
Dickey County Renville County
Emmons County Rolette County
Golden Valley County Sheridan County
Grant County Sioux County
Hettinger County Slope County
Kidder County Towner County
La Moure County Wells County
Logan County

State of Ohio

Adams County Meigs County
Athens County Monroe County
Brown County Morgan County
Clinton County Noble County
Gallia County Pike County
Highland County Scioto County
Holmes County Vinton County
Jackson County

State of Oklahoma

Adair County Kiowa County
Atoka County Le Flore County
Beaver County Lincoln County
Blaine County Love County
Bryan County McCurtain County
Caddo County McIntosh County
Cherokee County Marshall County
Choctaw County Mayes County
Coal County Muskogee County
Cotton County Okfuskee County
Delaware County Okmulgee County
Grady County Pittsburg County
Greer County Pontotoc County
Harmon County Pushmataha County
Haskell County Roger Mills County
Hughes County Seminole County
Jefferson County Sequoyah County
Johnston County Tillman County

State of Oregon

Malheur County Wheeler County

State of Pennsylvania

Bedford County Juniata County
Bradford County Philadelphia County
Fayette County Potter County
Fulton County Tioga County
Greene County

State of Rhode Island

State of South Carolina

Abbeville County Greenwood County
Aiken County Hampton County
Allendale County Jasper County
Anderson County Kershaw County
Bamberg County Lancaster County
Barnwell County Laurens County
Calhoun County Lee County
Cherokee County McCormick County
Chester County Marion County
Chesterfield County Marlboro County
Clarendon County Newberry County
Colleton County Orangeburg County
Darlington County Saluda County
Dillon County Spartanburg County
Edgefield County Sumter County
Fairfield County Union County
Florence County Williamsburg County
Georgetown County

State of South Dakota

Aurora County Hyde County
Bennett County Jackson County
Bon Homme County Jerauld County
Brule County Jones County
Buffalo County Kingsbury County
Butte County Lake County
Campbell County Lyman County
Charles Mix County McCook County
Clark County McPherson County
Clay County Marshall County
Corson County Mellette County
Day County Miner County
Deuel County Moody County
Dewey County Potter County
Douglas County Roberts County
Edmunds County Sanborn County
Fall River County Shannon County
Faulk County Spink County
Gregory County Sully County
Haakon County Todd County
Hamlin County Tripp County
Hand County Turner County
Hanson County Walworth County
Harding County Ziebach County
Hutchinson County

State of Tennessee

Bledsoe County Carroll County
Campbell County Chester County
Cannon County Claiborne CountyClay County Lawrence County
Coke County Lewis County
Crockett County Lincoln County
Cumberland County McNairy County
Decatur County Macon County
De Kalb County Madison County
Fayette County Maury County
Fentress County Meigs County
Franklin County Monroe County
Gibson County Moore County
Giles County Morgan County
Grainger County Obion County
Greene County Overton County
Grundy County Perry County
Hancock County Pickett County
Hardeman County Polk County
Hardin County Rhea County
Hawkins County Robertson County
Haywood County Scott County
Henderson County Sequatchie County
Hickman County Shelby County
Houston County Stewart County
Jackson County Tipton County
Jefferson County Union County
Johnson County Wayne County
Lake County Weakley County
Lauderdale County White County

State of Texas

Anderson County Guadalupe County
Andrews County Hale County
Angelina County Hall County
Aransas County Hamilton County
Atascosa County Hardeman County
Austin County Hardin County
Bailey County Harrison County
Bandera County Haskell County
Bastrop County Hays County
Bee County Hidalgo County
Bexar County Hill County
Brewster County Hockley County
Briscoe County Hopkins County
Brooks County Houston County
Burleson County Hudspeth County
Caldwell County Irion County
Calhoun County Jackson County
Cameron County Jasper County
Castro County Jeff Davis County
Chambers County Jim Hogg County
Cherokee County Jim Wells County
Childress County Karnes County
Cochran County Kendall County
Coleman County Kenedy County
Collingsworth County Kent County
Colorado County Kimble County
Comanche County King County
Concho County Kinney County
Crockett County Kleberg County
Crosby County Knox County
Culberson County Lamar County
Dallam County Lamb County
Dawson County Lampasas County
Deaf Smith County La Salle County
Delta County Lavaca County
De Witt County Lee County
Dickens County Leon County
Dimmit County Liberty County
Donley County Limestone County
Duval County Live Oak County
Eastland County Lynn County
Edwards County McCulloch County
Ellis County Madison County
El Paso County Marion County
Falls County Martin County
Fayette County Mason County
Fisher County Maverick County
Floyd County Medina County
Foard County Menard County
Freestone County Milam County
Frio County Mills County
Gaines County Mitchell County
Glasscock County Montague County
Goliad County Morris County
Gonzales County Motley County
Grimes County Navarro County

Newton County
Nolan County
Nueces County
Panda County
Parmer County
Pecos County
Polk County
Presidio County
Reagan County
Real County
Red River County
Reeves County
Refugio County
Robertson County
Runnels County
Rusk County
Sabine County
San Augustine County
San Jacinto County
San Patricio County
San Saba County
Schleicher County
Shackelford County
Shelby County

Starr County
Sterling County
Stonewall County
Sutton County
Swisher County
Terrell County
Terry County
Trinity County
Tyler County
Upton County
Uvalde County
Val Verde County
Waller County
Ward County
Washington County
Webb County
Wharton County
Wilbarger County
Willacy County
Wilson County
Wise County
Yoakum County
Zapata County
Zuvala County

State of Utah

Beaver County
Duchesne County
Grand County
Juab County
Kane County
Millard County
Morgan County
Piute County
San Juan County
Sanpete County
Utah County
Washington County
Wayne County

State of Vermont

Caledonia County
Chittenden County
Essex County
Franklin County
Lamdille County
Orange County
Orleans County

State of Virginia

Accomack County
Amelia County
Bland County
Brunswick County
Buchanan County
Buckingham County
Caroline County
Carroll County
Charles City County
Charlotte County
Cumberland County
Dickenson County
Dinwiddie County
Essex County
Floyd County
Fluvanna County
Goochland County
Grayson County
Greensville County
Halifax County
Isle of Wight County
King and Queen County
King William County
Lancaster County
Lee County
Louisa County
Lunenburg County
Madison County
Mecklenburg County
Middlesex County
Nelson County
Northampton County
Nottoway County
Orange County
Page County
Patrick County
Pittsylvania County
Prince Edward County
Rappahannock County
Richmond County
Russell County
Scott County
Southampton County
Surry County
Sussex County
Washington County
Westmoreland County
Wise County

State of Washington

Ferry County
Franklin County
Okanogan County
Pend Oreille County
Stevens County
Wahkiakum County
Yakima County

State of West Virginia

Barbour County
Boone County
Braxton County
Calhoun County
Clay County
Doddridge County
Fayette County
Gilmer County
Grant County
Greenbrier County
Hampshire County
Hardy County

Harrison County
Jefferson County
Lewis County
Lincoln County
Logan County
McDowell County
Mingo County
Monroe County
Morgan County
Nicholas County
Pendleton County
Pleasants County
Pocahontas County
Preston County
Randolph County
Ritchie County
Roane County
Summers County
Taylor County
Tucker County
Tyler County
Upshur County
Wayne County
Webster County
Wetzel County
Wirt County
Wyoming County

State of Wisconsin

Burnett County
Forest County
Langlade County
Menominee County
Rusk County
Washburn County

State of Wyoming

Big Horn County
Lincoln County
Niobrara County

Commonwealth of Puerto Rico

Authority: Sec. 17(d), United States Housing Act of 1937 (42 U.S.C. 1437o); Sec. 7(d), Department of Housing and Urban Development Act (42 U.S.C. 3535(d)).

Dated: May 26, 1986.

Silvio J. DeBartolomeis,

General Deputy Assistant Secretary for Housing—Deputy Federal Housing Commissioner.

[FR Doc. 86-12451 Filed 6-4-86; 8:45 am]

BILLING CODE 4210-27-M

Reader Aids

Federal Register

Vol. 51, No. 108

Thursday, June 5, 1986

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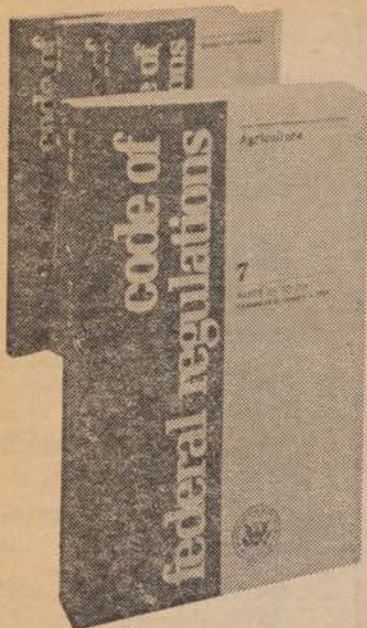
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